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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAKEEM KWAME SHONTE SEXTON,

APPELLANT

APPELLATE CASE NO. 2023-000214

RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MARK R. FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-3372

ATTORNEY FOR APPELLANT

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit
180 Magnolia Street, Third Floor
Spartanburg, SC 29306
(864) 596-2575

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 3 (DVD)**

1 STATE OF SOUTH CAROLINA }
2 COUNTY OF SPARTANBURG } IN THE COURT OF GENERAL SESSIONS

3 The State, }
4 -vs- } TRANSCRIPT OF RECORD
5 } 2021-GS-42-3986;3987
6 Hakeem Kwame Shonte Sexton, }
7 Defendant. } 2022-GS-42-03183
8 } January 23 - 25, 2023
9 } Spartanburg, South Carolina

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE; and a jury

12
13
14 A P P E A R A N C E S:

15 ANDREW DAVID SIPPEL, ESQUIRE
16 Attorney for the State

17 RICHARD HAROLD WARDER, ESQUIRE
18 Attorney for the Defendant

19
20
21 Linda D. Moffitt
22 Circuit Court Reporter
23
24
25

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1 (Proceedings January 23, 2023)

2 THE COURT: All right, sir. First matter up is Hakeem
3 Kwame Shonte Sexton.

4 Mr. Sexton, you are Hakeem Kwame Shonte Sexton?

5 THE DEFENDANT: Yes, sir, Your Honor.

6 THE COURT: Mr. Warder is your lawyer.

7 THE DEFENDANT: Yes, sir, Your Honor.

8 THE COURT: I have before me three indictments.

9 Indictment 21-3987 charges you with possession with
10 intent to distribute methamphetamine. That is an
11 indictment that results from a warrant that has previously
12 been served on you.

13 I also have Indictment 2021-3986 that charges you with
14 failing to stop for a blue light. That's a result of a
15 ticket that has been previously served upon you.

16 I also have before me Indictment 2022-GS-42-03183.
17 That is an indictment that results from a -- he was served
18 with a warrant on that too?

19 MR. SIPPEL: I don't believe so, Your Honor. I
20 believe it was just a direct indictment.

21 THE COURT: Well, what's this warrant attached to it?

22 MR. SIPPEL: May I approach, Your Honor?

23 THE COURT: Yes.

24 MR. SIPPEL: I see, Your Honor. It was the basis of a
25 warrant. However, the original warrant had the wrong

1 substance listed in it. It was the wrong C.D.R. code.

2 THE COURT: Had the right substance, had the wrong
3 code?

4 MR. SIPPEL: Correct, Your Honor.

5 THE COURT: Because this says crack cocaine.

6 MR. SIPPEL: Your Honor, I believe the C.D.R. code,
7 the offense code, was incorrect.

8 THE COURT: All right. Mr. Sexton, this doesn't make
9 any difference to you necessarily. It's not important.

10 However, the original warrant charging you with
11 possession with intent to distribute crack cocaine had the
12 wrong code number that's used to track these warrants
13 through the system. And because it had the wrong code
14 number, the solicitor had to present the case again to the
15 grand jury. And the case has been presented to the grand
16 jury. It's been returned to us with a true bill.

17 It charges you with having committed the crime of
18 possession with intent to distribute cocaine base or crack
19 cocaine.

20 The state alleges that occurred on December the
21 17th of 2020, and they allege on that date that you did
22 possess some quantity of cocaine base, a Schedule II
23 controlled substance, and that at the time you possessed it
24 you intended to distribute it.

25 Now, as to that indictment and as to that charge, upon

1 a conviction -- does he have prior convictions that serve
2 to enhance any sentence?

3 MR. WARDER: Yes, sir.

4 THE COURT: How many prior convictions does he have
5 that would serve to enhance the sentence on this
6 indictment?

7 MR. SIPPEL: Your Honor, he has more than two prior
8 convictions.

9 THE COURT: All right. So this is a third or
10 subsequent?

11 MR. SIPPEL: That's correct, Your Honor.

12 THE COURT: All right. Mr. Sexton, I'm told that you
13 have previous convictions that serve to enhance the
14 punishment that you can receive as to this indictment if
15 convicted. And if convicted on this indictment you could
16 receive a sentence, because of your prior history a
17 sentence, of not less than ten years, not more than 30
18 years and a fine of \$50,000.

19 Do you understand this charge?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand the potential sentence?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you wish to enter a plea of guilty or
24 not guilty to that charge?

25 THE DEFENDANT: Not guilty.

1 THE COURT: All right. We'll proceed with jury
2 selection unless there's anything else I need to address.

3 MR. SIPPEL: Your Honor, the only other matter is the
4 state does have some objections to some of the proposed
5 voir dire from defense counsel.

6 THE COURT: Okay. Tell me by number which ones you
7 object to.

8 MR. SIPPEL: Yes, Your Honor.

9 The state objects to Nos. 8 and 9 on the basis that
10 they are -- there's no victim in this case. So whether or
11 not someone is a victim of a serious crime or an advocacy
12 group of victims seems irrelevant. And then, Your Honor,
13 just multiple objections for numbers --

14 THE COURT: All right. Hang on.

15 MR. SIPPEL: I apologize.

16 THE COURT: Let's do it one at a time.

17 All right. Mr. Warder, what about eight and nine?
18 The solicitor objects. Do you insist, or do you want to
19 explain to me why they should be asked?

20 MR. WARDER: Well, Your Honor, there is no victim
21 outside of the dignity of the state. However would be
22 appropriate, I think.

23 THE COURT: All right. You're willing to withdraw
24 numbers eight and nine?

25 MR. WARDER: Yes.

1 THE COURT: All right. Eight and nine are withdrawn.

2 All right. Mr. Sippel.

3 MR. SIPPEL: Yes, Your Honor.

4 Nos. 11, 12, 13, 14 and 15.

5 THE COURT: Eleven, 12, 13, 14, 15?

6 MR. SIPPEL: That's correct, Your Honor.

7 THE COURT: All right. Mr. Warder, start with 11.

8 MR. WARDER: Okay. Your Honor, that we ask you to
9 request are there any jury -- members of the jury panel
10 believe that law enforcement officers arrest more
11 African-American people than -- of course than
12 non-African-American.

13 I think that's an appropriate inquiry as to the belief
14 as to necessarily get a fair trial. And put race out of
15 the consideration on considering a drug case. And how
16 people respond to that, I think, it would be helpful.

17 THE COURT: All right. I do not agree. I will not be
18 asking the jury panel questions 11 through 15. And I'll
19 note your exception to that, Mr. Warder.

20 All right. Mr. Sippel.

21 MR. SIPPEL: Your Honor, No. 19.

22 THE COURT: All right. Mr. Warder, No. 19.

23 MR. WARDER: Yes, sir. We're seeking to find on that
24 whether the nature of some crimes are such that the jury
25 could not be fair. And certainly -- what if they have

1 prejudice against drug crimes, they may have trouble being
2 fair because of all the news reports on fentanyl and people
3 it's killing.

4 THE COURT: All right. Well, I'm not going to ask
5 No. 19 as it's requested, but I will be asking the jury
6 whether or not, understanding what the case is about, what
7 the defendant is charged with, is there any reason why they
8 can't be fair and impartial just based upon the nature of
9 the allegations or the crime itself.

10 All right. I've got two 19s. I'm not going ask
11 either 19, although I -- except as I just qualified it.

12 MR. SIPPEL: Thank you, Your Honor.

13 The next one, the state believes that No. 20 is just
14 overly broad in regards to all statements given to or
15 having been questioned by Mayor Portay [sic], law
16 enforcement.

17 THE COURT: Okay. Mr. Warder.

18 MR. WARDER: Your Honor, once again, it deals with the
19 jurors' relationship to law enforcement.

20 THE COURT: Well, I'm going to ask them if they have
21 any relatives who are involved in law enforcement.

22 MR. WARDER: Yes, sir. We're just trying to seek
23 recent contacts.

24 THE COURT: All right. I'm going to decline No. 20.
25 what else?

1 MR. SIPPEL: Your Honor, it's the last one, No. 23.

2 THE COURT: Mr. Warder, I've always sustained
3 objection to that question, but I'll be happy to hear from
4 you. This won't be the first time I've been asked to do
5 it, but I've never done it, but you may have a better
6 reason than other lawyers.

7 MR. WARDER: Your Honor, I think there is a biased law
8 enforcement gets the advantage of when they judge the
9 testimony, and I'm trying to point out to any -- find out
10 if there's any juror that would be so prejudiced that with
11 the witness being a law enforcement that they would take
12 their testimony when it would be normally unbelievable.

13 THE COURT: All right. Well, I'm going to instruct
14 them they have to judge the credibility of a law
15 enforcement witness just like any other. So I'm going to
16 decline 23.

17 Any other objections?

18 MR. SIPPEL: No further objections from the state,
19 Your Honor.

20 THE COURT: All right. Mr. Warder, do you have any
21 objections to the state's request?

22 MR. WARDER: No, sir.

23 THE COURT: Okay. All right. We ready for the jury?

24 MR. SIPPEL: The state's ready, Your Honor.

25 MR. WARDER: Yes, sir.

1 THE COURT: All right. Now, when the jury comes in,
2 Mr. Sexton, you'll have to take your mask down so they can
3 see you. You can wear it until then, but they've got to be
4 able to see who you are. Then you can wear it if you need
5 to.

6 (Pause.)

7 THE COURT: All right. Now, are these folks back here
8 with you, Mr. Warder?

9 MR. WARDER: Yes, sir. That's the family of my
10 client.

11 THE COURT: Okay. Well, they can't stay there because
12 that's where the jury sits. They can sit in those chairs
13 behind you if they want to.

14 Now, none of these, Mr. Warder, are witnesses? Are
15 any of these folks witnesses in the case?

16 MR. WARDER: He has a sister that might be a witness.

17 THE COURT: I need to know because I've got to
18 introduce the witnesses.

19 MR. SIPPEL: Your Honor, she's on the state's witness
20 list.

21 THE COURT: Which one?

22 MR. SIPPEL: Breanna Sexton.

23 THE COURT: Okay. She's on the list. Breanna Sexton.

24 MR. WARDER: Yes, sir.

25 (The following takes place in the presence of the jury

Jury qualification

1 venire.)

2 THE COURT: Good afternoon, ladies and gentlemen.

3 I apologize for the delay. I know I told you to be on
4 time, and I know you were. I also told you I had some
5 matters I had to address that didn't require your
6 participation, and they took a whole lot longer than I ever
7 imagined that they would.

8 In fact, I've been talking so much this afternoon I'm
9 about to go hoarse. So that's the reason that we've been
10 imposing upon your time. But please don't hold that
11 against anyone other than me if you wish to. But that's
12 the explanation. So I do appreciate your patience and your
13 understanding. Hopefully that will not occur again this
14 week.

15 The first case that we have that will require some of
16 your participation is the case entitled the State vs.
17 Hakeem Kwame Shonte Sexton.

18 Mr. Sexton has been accused by the prosecutor by way
19 of three separate indictments with three separate and
20 distinct criminal offenses, although they are alleged to
21 have arisen out of one particular event or a course of
22 events which the state alleges occurred back on December
23 the 17th of 2020. There are three separate indictments,
24 three separate charges that the jury will be called upon to
25 consider.

Jury qualification

1 One indictment charges the defendant with the crime of
2 possession with intent to distribute methamphetamine.

3 The state alleges by way of that indictment -- and
4 understand that an indictment is a charging paper. It's
5 like an arrest warrant except that in order to get into
6 circuit court you have to be brought here by way of an
7 indictment. So the indictment is the charging paper, but
8 it doesn't prove anything. It doesn't establish anything.
9 It's not evidence of anything. It's just the means by
10 which any person who is accused of a crime where the
11 jurisdiction lies in this Court is brought to this court to
12 stand trial on the charge.

13 So this first indictment alleges that Mr. Sexton did
14 here in Spartanburg County on or about December the 17th of
15 2020 knowingly or intentionally manufacture, distribute,
16 dispense, deliver, purchase, aid, abet, attempt or conspire
17 to distribute, dispense, deliver or purchase, or did
18 possess with intent to distribute, dispense, deliver or
19 purchase a quantity of methamphetamine.

20 A second indictment charges Mr. Sexton with the crime
21 of possession with intent to distribute cocaine base, also
22 referred to as crack cocaine.

23 The state alleges that that occurred on or about
24 December the 17th of 2020, and they allege, again, that he
25 did knowingly or intentionally possess with intent to

Jury qualification

1 manufacture, distribute, dispense or deliver a quantity of
2 cocaine base or crack cocaine, which is a Schedule II
3 controlled substance.

4 And in a remaining indictment Mr. Sexton is charged
5 with the crime of failing to stop when signaled to do so by
6 a law enforcement officer using a blue light or siren, or
7 both.

8 Again, the state alleges that that offense occurred on
9 December the 17th of 2020, and they allege by way of the
10 indictment that Mr. Sexton did fail to stop a motor vehicle
11 that he was driving on a road, street or highway of this
12 state when he was signaled to do so by a law enforcement
13 vehicle using a siren or a flashing light.

14 Now, as to each of those charges and as to the
15 allegations set forth in each of those indictments the
16 defendant, Mr. Sexton, has entered a plea of not guilty.

17 That plea of not guilty places upon the state the
18 burden of proving the allegations that they have made by
19 way of each of those indictments, the burden of proving
20 each of the essential elements that make up each of the
21 crimes that are alleged in each of these separate
22 indictments; and therefore the burden is upon the state to
23 establish the defendant's guilt to the satisfaction of a
24 jury beyond a reasonable doubt before a verdict of guilty
25 could be returned as to any of the separate indictments.

Jury qualification

1 So we're going to be selecting 13 of you -- 12
2 primaries and one alternate juror -- to participate in the
3 trial. And by way of your participation you're going to be
4 called upon to listen to testimony, to consider evidence
5 that will be introduced during the trial.

6 At the trial's conclusion you'll be called upon to
7 decide the facts as they relate to the material allegations
8 constituting the offenses alleged.

9 You will apply the law that I will have provided you
10 that relates to each of the separate offense. And the jury
11 will determine whether or not the evidence in the case
12 proves the defendant to be guilty of a particular crime
13 beyond a reasonable doubt. And if it has, then the verdict
14 is guilty as to that charge. If it has not, then the
15 verdict is not guilty as to that particular charge.

16 Before we begin with jury selection I've got some
17 people to introduce to you. For the most part these are
18 people that are going to be participating in the trial of
19 this case.

20 And the reason I am introducing these folks is because
21 I need to find out if any juror has any connection
22 whatsoever with anyone that's going to be involved in the
23 trial of this particular case, whether it be the lawyers,
24 whether it be the defendant, whether it be family members,
25 whether it be witnesses or some members of their respective

Jury qualification

1 families or anybody that might be connected with anybody
2 introduced in their respective offices and the like. So I
3 will go through that with you.

4 But, anyway, the purpose of the introductions is to
5 find out if you have any connection by blood, by marriage,
6 through social contact, through employment contact, through
7 school association, through church attendance or any other
8 connection whatsoever with anybody that's going to be
9 introduced, or any members of their respective families.

10 In other words, you might not know a person
11 introduced, but you might, or at least believe, you know
12 their sister or their brother or their mother or father or
13 something. So you will tell us that too.

14 So to begin with, as I told you, the defendant, the
15 person who is accused of these particular crimes, is Hakeem
16 Kwame Shonte Sexton.

17 Mr. Sexton, if you will, please stand and face the
18 jury panel so that they may see who you are. And did you
19 take -- you took your mask off. All right.

20 (Whereupon, the defendant stood.)

21 THE COURT: Thank you. Be seated.

22 Representing Mr. Sexton, in other words the lawyer
23 helping Mr. Sexton in the trial of the case, is Richard
24 Warder seated with him at the defendant's table. He can
25 stand if wants to or not. I'll leave that up to him.

Jury qualification

1 (Whereupon, Mr. Warder stood.)

2 THE COURT: Presenting the case on behalf of the state
3 are two assistant circuit solicitors, and they are Andrew
4 Sippel and Alex Lyles. They'll be presenting the case on
5 behalf of the state. They are both assistant circuit
6 solicitors in the Office of Circuit Solicitor Barry
7 Barnette. That's the Seventh Judicial Circuit Solicitor's
8 office.

9 (Whereupon, Mr. Sippel and Ms. Lyles stood.)

10 THE COURT: Potential witnesses to be called during
11 the trial would include Jared Wright. He's an officer with
12 the Duncan Police Department.

13 Maleah Alewiner, an officer with the Duncan Police
14 Department; Kara Bennick with the Greenville Department of
15 Public Safety; Kathy Lance with the Greenville Department
16 of Public Safety; James Armstrong, formerly with the
17 Greenville Department of Public Safety; Rachel Rifenburg
18 also with the Greenville Department of Public Safety;
19 Breanna Sexton who I believe is a relative of the
20 defendant, Mr. Sexton; Terry Lane. He's a lieutenant with
21 the Duncan Police Department. Chris Miller is a lieutenant
22 with the Campobello Police Department; and Matt Watson who
23 is employed at the South Carolina Department of
24 Corrections.

25 Are there any other potential witnesses on behalf of

Jury qualification

1 the state?

2 MR. SIPPEL: None for the state, Your Honor.

3 THE COURT: Of the defendant?

4 MR. WARDER: No, Your Honor.

5 THE COURT: All right. Those are all of the witnesses
6 that may testify during the trial. So I need to know if
7 anybody has any connection with anybody who's been
8 introduced, and also I need to know if you have a
9 connection or you know anybody aside from those who have
10 been introduced but anybody employed in the Seventh
11 Judicial Circuit Solicitor's Office. If so, let me know.

12 JUROR NO. 94: Let you know now?

13 THE COURT: Yes, sir.

14 JUROR NO. 94: I'm Juror No. 75. I know Matt Watson,
15 Officer Watson.

16 THE COURT: Okay. And how long have you known him?

17 JUROR NO. 94: I've known him probably a good eight
18 years.

19 THE COURT: And is that personal, professional or
20 both?

21 JUROR NO. 94: Personal.

22 THE COURT: Okay. Is there anything about that
23 connection that would in any way interfere with your
24 ability to be fair and impartial in this case if you were
25 selected?

Jury qualification

1 JUROR NO. 94: No, sir. It would not.

2 THE COURT: All right. Thank you, sir.

3 Anybody else?

4 Yes, ma'am.

5 JUROR NO. 156: Juror No. 156. Stacie Stewart. I am
6 good friends with Kelly Crook, Victim Advocate.

7 THE COURT: Anything about that fact that would affect
8 your judgment in this case?

9 JUROR NO. 156: No.

10 THE COURT: Thank you. Be seated.

11 Anybody else?

12 (No response.)

13 THE COURT: Is any member of the jury panel or has any
14 member of the jury panel or any members of your immediate
15 family -- and let me define an immediate family member as a
16 parent or a spouse or a child or a sibling -- parent,
17 spouse, child or sibling. Have you or any members of your
18 immediate family as I just defined it ever been employed as
19 any type of law enforcement officer with any law
20 enforcement agency?

21 That would include civilian agencies, as well as
22 military police. Have you or any members of your immediate
23 family ever been employed as any type of law enforcement
24 officer or police officer?

25 If so, please stand and let me know of that fact.

Jury qualification

1 JUROR NO. 94: Juror No. 75, Keith Hughes. I was a
2 past state constable.

3 THE COURT: All right. Anything about that fact that
4 would affect your judgment?

5 JUROR NO. 94: No, sir. It would not.

6 THE COURT: Thank you. Be seated.

7 Yes, ma'am.

8 JUROR NO. 94: I'm Juror No. 94. My husband is
9 retired from Spartanburg County Sheriff's Department after
10 39 years, and my son is also a county deputy.

11 THE COURT: Anything about that fact that would affect
12 your judgment in this case?

13 JUROR NO. 94: No, sir.

14 THE COURT: Thank you. Be seated.

15 Yes, sir.

16 JUROR NO. 88: Juror No. 88. My brother was
17 Spartanburg County Coroner for eight years or more.

18 THE COURT: Anything about that fact that would affect
19 your judgment in this case?

20 JUROR NO. 88: No, sir.

21 THE COURT: Thank you. Be seated.

22 JUROR NO. 112: Juror No. 112. My boyfriend was a
23 ex-sheriff's department officer.

24 THE COURT: Spartanburg County sheriff's?

25 JUROR NO. 112: Uh-huh.

Jury qualification

1 THE COURT: Anything about that fact that would affect
2 your judgment?

3 JUROR NO. 112: No, Your Honor.

4 THE COURT: Thank you. Be seated.

5 This is an event -- where is this alleged to have
6 occurred?

7 MR. SIPPEL: Your Honor, this failure to stop that
8 initiated in the Town of Duncan right on I-85, and it ended
9 just outside the town limits of Duncan in Greer.

10 THE COURT: Okay. All right. Did everyone hear that,
11 the location of the alleged event?

12 (No response.)

13 THE COURT: Does anyone think that you might have
14 heard something about this case or read something about
15 this case or seen something about this case from any source
16 whatsoever -- television, radio, newspaper, discussions at
17 work, school, church, home? Does anyone think that you
18 have been exposed to any type of information that relates
19 to this particular case? If so, let me know of that fact.

20 (No response.)

21 THE COURT: None responding.

22 As I told you, the charges that have been brought
23 against the defendant are failing to stop when signaled by
24 a blue light and/or siren and possession with intent to
25 distribute two substances, being methamphetamine and crack

Jury qualification

1 cocaine.

2 Is there anything about the nature of the charges
3 themselves or the allegations that have been made against
4 this particular defendant? Are there anything -- anything
5 about the nature of the charges or the allegations that
6 would prevent any juror from being able to be fair and
7 impartial?

8 In other words, does any juror hold any type of an
9 opinion or belief that relates to the particular subject
10 matter of this case that would affect your judgment or
11 prevent you from being able to be fair and impartial if you
12 were called upon to decide the case?

13 If so, let me know of that fact, please.

14 JUROR NO. 4: Can I come up and ask you a question?

15 THE COURT: Yes, ma'am. You sure can. Tell me your
16 name and number.

17 JUROR NO. 4: No. 4, Lisa Alloway.

18 THE COURT: Okay. Thank you.

19 (Bench conference held off the record with juror with
20 counsel present.)

21 THE COURT: In this case, as has been pointed out by
22 virtue of my reading the witness list, there are a number
23 of law enforcement officers that will be likely called to
24 testify in the case.

25 Has any member of the jury panel ever had any sort of

Jury qualification

1 interaction of any type with any law enforcement officer
2 that would impair your ability to be fair and impartial if
3 you were called upon to serve as a juror in this particular
4 case? Have you had any sort of interaction with any type
5 of law enforcement officer such that that experience would
6 affect your judgment in this case or cause you to be unable
7 to be impartial? If so, let me know of that fact.

8 (No response.)

9 THE COURT: Does any member of the jury panel have any
10 opinion or have you already formed some belief that relates
11 to the use, as well as misuse, of any type of drug, whether
12 it be legal or illegal, to the extent that that belief or
13 that opinion that you hold would prevent you from being
14 able to be fair and impartial as a juror in this case that
15 involves the unlawful possession with intent to distribute
16 the drugs that have been identified as read from in the
17 indictment?

18 Does anyone have an opinion about the use or misuse of
19 legal or illegal drugs that would prevent you from being
20 able to be fair and impartial if selected as a juror in
21 this particular case? If so, let me know of that fact.

22 (No response.)

23 THE COURT: Has any member of the jury panel had an
24 experience within your own family as it relates to the use
25 or misuse of drugs that would impair your ability to be

Jury qualification

1 fair and impartial if you were selected as a juror in this
2 case? If so, let me know of that fact.

3 Yes, sir.

4 JUROR NO. 20: Juror No. 20.

5 THE COURT: All right. And if you don't mind, just
6 step down here and talk to me.

7 (Bench conference held off the record with Juror No. 20
8 with counsel present.)

9 THE COURT: Juror No. 20 is excused from service in
10 the case.

11 Now, as I indicated earlier, the role of a jury is to
12 sit over here in the jury box during the trial, listen to
13 witnesses that testify, hear what they have to say,
14 consider other evidence that might be introduced during the
15 trial, take the law as I give it to you as the law that you
16 are to apply in the case.

17 So the jury's function is to decide what the facts are
18 as it relates to the allegations. In other words, the
19 jury's function is to determine the facts where you can,
20 based upon the evidence presented, that are material to a
21 resolution of the case.

22 So the jury is the judges of the facts. You decide
23 the facts based upon your own common sense and discretion
24 in considering the evidence. So I'm not going to tell you
25 how to decide the facts. But a jury's obligation and your

Jury qualification

1 obligation under your oath as a juror is to accept the law
2 as I give it to you as being the law that you are to apply
3 in the case.

4 In other words, you can't -- you can't create your own
5 standard. You have to apply the law as it exists, and I'll
6 tell you what it is. So the jury decides the facts, but I
7 give you the law that you are to apply.

8 So the jury's obligation is to determine the facts
9 based upon the instruction I'll give you and to apply the
10 law that I will provide you in making your decision. You
11 have to be followed by those instructions, or you have to
12 follow those instructions.

13 So my question to this panel is is there any member of
14 the jury panel who believes that you could not follow those
15 instructions or do your duty and obligation under the oath
16 that you will be given?

17 If you do not think you could follow my instruction
18 and apply it to the facts as you determine them to be, I
19 need you to let me know of that fact. In other words,
20 you're obligated to accept the law and to apply it.

21 Is there any juror that thinks you could not do that?
22 If so, I need you to let me know of that fact.

23 (No response.)

24 THE COURT: All right. Has any member of the jury
25 panel already formed an opinion as to what you think the

Jury qualification

1 outcome of this case ought to be based upon what you've
2 heard up to this point or based upon any other
3 consideration? Has any member of the jury panel already
4 decided what you think the outcome ought to be? If so, let
5 me know.

6 (No response.)

7 THE COURT: Does any juror know of any reason
8 whatsoever why you believe you could not be fair and
9 impartial if you were called upon to serve as a juror in
10 this particular case? If so, let me know of that fact.

11 (No response.)

12 THE COURT: None responding.

13 Any other questions requested by the state?

14 MR. SIPPEL: No further questions, Your Honor.

15 THE COURT: All right. By the defendant?

16 MR. WARDER: No, Your Honor.

17 THE COURT: All right. Now, the computer has all of
18 your names in it, and it's going to select -- the computer
19 will select your names randomly. And as your name is
20 called you'll be asked to come forward.

21 The bailiff will be out in the floor in a minute.
22 You'll stand next to the bailiff. Each side has an
23 opportunity to have you excused from serving in the case.
24 Both may agree to have you seated for service in the case.
25 But when you come up if either side asks that you be

Jury qualification

1 excused from serving, just go back and have a seat where
2 you are now. If both agree to have you seated for service,
3 you'll be having a seat in that jury box to your right and
4 to my left.

5 So please come forward as your name is called and you
6 will be instructed as to whether you have been excused or
7 seated for service in the case.

8 THE CLERK: Juror No. 102, Karen McAbee.
9 What says the state?

10 MR. SIPPEL: Please present this juror.

11 THE CLERK: What says defense?

12 MR. WARDER: Please excuse the juror from the trial of
13 this matter.

14 THE COURT: All right.

15 THE CLERK: 101, Debra Mayhugh.
16 What says the state?

17 MR. SIPPEL: Please seat or present this juror.

18 THE CLERK: What says the defense?

19 MR. WARDER: Please excuse the juror from the trial of
20 this matter.

21 THE CLERK: No. 94, Lisa Littleton.
22 What says the state?

23 MR. SIPPEL: Please present this juror.

24 THE CLERK: What says defense?

25 MR. WARDER: Please excuse the juror from the trial of

Jury qualification

1 this matter.

2 THE CLERK: 135, Crystal Robinson.

3 what says the state?

4 MR. SIPPEL: Please present this juror.

5 THE CLERK: What says defense?

6 MR. WARDER: Please swear the juror.

7 THE CLERK: No. 82, Anna Madison.

8 what says the state?

9 MR. SIPPEL: Please present this juror.

10 THE CLERK: What says defense?

11 MR. WARDER: Please swear the juror.

12 THE CLERK: No. 1, Sheila Abbott.

13 what says the state?

14 MR. SIPPEL: Please present this juror.

15 THE CLERK: What says defense?

16 MR. WARDER: Please swear the juror.

17 THE CLERK: No. 34, Caleb DeArmond.

18 what says the state?

19 MR. SIPPEL: Please present this juror.

20 THE CLERK: What says defense?

21 MR. WARDER: Please swear the juror.

22 THE CLERK: 163, Daniel Thompson.

23 what says the state?

24 MR. SIPPEL: Please present this juror.

25 THE CLERK: What says the defense?

Jury qualification

1 MR. WARDER: Please swear the juror.
2 THE CLERK: No. 42, Staci Duncan.
3 what says the state?
4 MR. SIPPEL: Please present this juror.
5 THE CLERK: what says defense?
6 MR. WARDER: Please swear the juror.
7 THE CLERK: No. 71, Zachary Henson.
8 what says the state?
9 MR. SIPPEL: Please present this juror.
10 THE CLERK: what says defense?
11 MR. WARDER: Please swear the juror.
12 THE CLERK: 143, John Seay.
13 what says the state?
14 MR. SIPPEL: Please present this juror.
15 THE CLERK: what says defense?
16 MR. WARDER: Please swear the juror.
17 THE CLERK: No. 9, Darlene Berry.
18 what says the state?
19 MR. SIPPEL: Please excuse this juror.
20 THE CLERK: 156, Stacie Stewart.
21 what says the state?
22 MR. SIPPEL: Please present this juror.
23 THE CLERK: what says defense?
24 MR. WARDER: Please excuse the juror in this case.
25 THE CLERK: 149, Andrea Smith.

Jury qualification

1 what says the state?

2 MR. SIPPEL: Please present this juror.

3 THE CLERK: What says defense?

4 MR. WARDER: Please excuse the juror in this matter.

5 THE CLERK: 124, Stephanie Pennington.

6 what says the state?

7 MR. SIPPEL: Please present this juror.

8 THE CLERK: What says defense?

9 MR. WARDER: Please swear the juror.

10 THE CLERK: 134, Nichole Reeve.

11 what says the state?

12 MR. SIPPEL: Please present this juror.

13 THE CLERK: What says defense?

14 MR. WARDER: Please swear the juror.

15 THE CLERK: 112, Tammy Morrison.

16 what says the state?

17 MR. SIPPEL: Please excuse this juror.

18 THE CLERK: 133, Stephanie Reese.

19 what says the state?

20 MR. SIPPEL: Please present this juror.

21 THE CLERK: What says defense?

22 MR. WARDER: Please swear the juror.

23 THE CLERK: No. 79, Gregory Johnson.

24 what says the state?

25 MR. SIPPEL: Please present this juror.

1 THE CLERK: What says defense?

2 MR. WARDER: Please swear the juror.

3 THE CLERK: This will be for the alternate.

4 No. 87, Brandy Laney.

5 What says the state?

6 MR. SIPPEL: Please present this juror.

7 THE CLERK: What says defense?

8 MR. WARDER: Please swear the juror.

9 (Whereupon, a jury was impaneled.)

10 THE COURT: All right. Let me ask those who have been
11 selected, please go with a bailiff to a jury room, and I'll
12 bring you back in just a few minutes.

13 (The following takes place outside the presence of the
14 jury.)

15 THE COURT: Are there any matters that need to be
16 addressed regarding jury selection by the state?

17 MR. SIPPEL: None, Your Honor.

18 THE COURT: By the defendant?

19 MR. WARDER: No, Your Honor.

20 (Whereupon, the remaining members of the jury venire
21 were excused.)

22 THE COURT: All right. Bring the jury in, please.

23 (The following takes place in the presence of the
24 jury.)

25 THE COURT: All right. Ladies and gentlemen, we will

1 start the trial in the morning beginning at 9:30.

2 So let me caution you that you're not to discuss the
3 case. I know you don't know much about it, but it doesn't
4 matter. You still can't talk about it with anybody -- not
5 your spouses, not your children, not your friends.

6 You can't talk about the case until it's been decided.
7 After that you can talk about it all you want to, but until
8 that time comes you are not permitted to discuss this case
9 in any fashion whatsoever with any person whatsoever.

10 Also, you're never to conduct any research or do any
11 investigation on your own. You have to base your decision
12 upon what you see and hear presented during the trial.

13 You are not to be influenced by any outside or
14 extraneous information, because if you were it might be bad
15 information, might influence you in a way that it shouldn't
16 have and it wouldn't have if you'd known the accurate
17 information.

18 So don't conduct any research; don't do your own
19 investigation; don't go to any type of social media to try
20 to find out something about the case in the event there's
21 something out there about the case.

22 As I say, under your duty, your obligations and your
23 oath as a juror you have to base a decision upon what comes
24 in during the trial. You can't be influenced by any
25 outside information or extraneous information.

1 Also, I guess that's it. No research, no discussions,
2 no exposure to any type of media coverage. I don't think
3 there's going to be, but should there be, turn it off, turn
4 it down, don't look at it. As I say, you can't be
5 influenced by information not provided during the trial.

6 So with that, do have a good evening, and please
7 report to your jury room at 9:30 in the morning -- 9:30 in
8 the morning. Have a good evening.

9 (The following takes place outside the presence of the
10 jury.)

11 THE COURT: Does Mr. Sexton have a professional
12 bondsman? So let me ask the second question first. Are
13 they here?

14 MR. WARDER: It's a professional bondsman.

15 THE COURT: Well, are they here to tell me they are
16 willing to continue the obligation?

17 MR. WARDER: No, sir. They're not here.

18 THE COURT: All right. Then he'll be in custody until
19 I get such information, and then I'll consider it. But
20 right now he'll be in custody overnight.

21 All right. Any other matters we need to address?

22 MR. SIPPEL: Your Honor, just with regard to
23 scheduling. Not sure if there's any pretrial motions. I
24 know that the state doesn't have any, but we do intend to
25 introduce some body-worn-camera videos, as well as in-car

1 videos which contain statements made by the defendant. So
2 I'm not sure if a Jackson vs. Denno is necessary, but I
3 just wanted to address that now for scheduling purposes.

4 THE COURT: All right. Mr. Warder, you've seen the --
5 you've been -- you've had access to the body-worn-cameras
6 videos?

7 MR. WARDER: I viewed.

8 THE COURT: That's right.

9 MR. WARDER: I viewed them with the discovery. It's
10 been -- I don't know what statements they're trying to
11 introduce.

12 THE COURT: Whatever is on the body-worn camera.

13 MR. WARDER: Yes, sir. I'll have a look at that
14 again.

15 THE COURT: Okay. Well, I mean -- all right. Look at
16 it. Be sure you look at it so y'all can let me know in the
17 morning if you have an issue about it, because I should
18 have already done that, but y'all let me know in the
19 morning.

20 Now, have there been any discussions about a
21 resolution of this case short of the jury deciding it?

22 MR. WARDER: Yes, sir. There have.

23 THE COURT: Has there been an offer extended by the
24 prosecutor?

25 MR. SIPPEL: It has, Your Honor.

1 MR. WARDER: An alternate offer extend. One or two
2 possible.

3 MR. SIPPEL: That's correct, Your Honor. There's an
4 offer, one with a recommendation and one without a
5 recommendation.

6 THE COURT: Okay. All right. Mr. Sexton, are you
7 aware of that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. In other words, you're going to
10 talk to Mr. Warder about the offer, and y'all can decide.
11 You can decide whether or not you want to take it or not.
12 And you've got overnight to do that. But understand once
13 we start the case I'm not entertaining offers.

14 So if y'all want to work something out, you have to do
15 it now, because, as I say, once the jury comes back and we
16 start, nobody gets to tell me what to do. We're going to
17 keep on going until the jury decides it unless he dismisses
18 the charges.

19 What do you want to ask me?

20 THE DEFENDANT: I understand the matters that you said
21 that I should be incarcerated because my bond's not here.

22 I'm -- these body cameras are going to show my
23 innocence. I don't -- my innocence. I don't feel like I
24 should be incarcerated more because I'm definitely not
25 running from this. I'm -- I'm going to beat y'all here.

1 These body cameras and these videos that we're speaking of
2 are going -- they should clear me. I shouldn't even have
3 to --

4 THE COURT: And that very well may be true. I haven't
5 seen. I haven't seen the body-cam videos. I wouldn't have
6 the slightest idea.

7 THE DEFENDANT: Oh, yes. But I was I just letting you
8 know. I understand there was -- that I was a potential
9 flight risk because my bondsman wasn't here, so you was
10 wanting me incarcerated tonight.

11 THE COURT: I don't know if you're a flight risk or
12 not.

13 THE DEFENDANT: Oh, no.

14 THE COURT: But my point is this: Once you come to
15 court and once we pick a jury the bondsman is off the hook.
16 So if the bondsman is going to continue, willing to
17 continue, the obligation, I've got to know it, and I don't
18 know it because the bondsman is not here. So that's why --

19 THE DEFENDANT: They're deceased. I'm -- I'm -- I can
20 prove that they're deceased. So there's no way they can be
21 here. My bondsman is deceased. August. I'm pretty sure
22 she's heard one of your --

23 THE COURT: Well, then somebody else is going to have
24 to be obligated. Otherwise --

25 THE DEFENDANT: I'm just saying you can ask your

1 ladies here.

2 THE COURT: I don't have to ask anybody. I'm not
3 going to ask anybody.

4 My point is I'm accepting your information as being
5 true. If your bondsman is deceased, then your bondsman
6 can't be held responsible. That means there is no bond,
7 because the bond extinguished when the bondsman died.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So you'd have to get another one.

10 THE DEFENDANT: No, no. He died. The corporation,
11 the firm -- the firm didn't die. I'm just saying who
12 signed the paper. The firm didn't die.

13 THE COURT: Okay. Well, the firm can't show up. It's
14 got to be a person.

15 THE DEFENDANT: Oh, yes. You can call. Yeah. You
16 can --

17 THE COURT: I'm not calling anybody. That's not my
18 obligation.

19 THE DEFENDANT: Oh, we didn't know.

20 THE COURT: Well, I've been here 30 years, and
21 everybody knows what my rule is about that. So everybody
22 should know. Whether they do or not, I don't know. But
23 everybody should know.

24 THE DEFENDANT: Okay. I was just going to --

25 THE COURT: All right. Anyway, that's where it is.

1 So anything else we need to address?

2 MR. SIPPEL: Nothing from the state, Your Honor.

3 MR. WARDER: No, Your Honor.

4 THE COURT: Court is in recess until 9:30 in the
5 morning.

6 END OF PROCEEDINGS JANUARY 23, 2023

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1 (Proceedings January 24, 2023)

2 (C.D. marked State's Exhibit No. 1 for Identification;
3 C.D. marked State's Exhibit No. 2 for Identification; D.V.D.
4 marked State's Exhibit No. 3 for Identification; photograph
5 marked State's Exhibit No. 4 for Identification; photograph
6 marked State's Exhibit No. 5 for Identification; photograph
7 marked State's Exhibit No. 6 for Identification; photograph
8 marked State's Exhibit No. 7 for Identification; drug
9 analysis report marked State's Exhibit No. 8 for
10 Identification; C.D. marked State's Exhibit No. 9 for
11 Identification.)

12 (The following takes place outside the presence of the
13 jury.)

14 THE COURT: Are there any matters to address before
15 the jury is brought in?

16 MR. SIPPEL: No motions from the state, Your Honor.

17 MR. WARDER: No, sir.

18 THE COURT: Bring them in.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: Good morning, ladies and gentlemen.

22 We are ready to begin with the trial of the case for
23 which each of you have been selected.

24 And, Ms. Reeve, I'm going to ask you to serve as the
25 foreperson of the jury. As the foreperson, you'll have

1 three specific duties that the other jurors do not have.

2 First of all, you'll be asked to serve as the
3 spokesperson for the jury. That just means if something
4 arises during the trial that needs to be brought to my
5 attention -- you or one of your fellow jurors has some
6 difficulty, problem or question -- you're going to be the
7 person to let me know of that fact.

8 You can do it directly if you're in the courtroom. Do
9 it through the bailiff if you're outside the courtroom.

10 Secondly, you'll be called upon to preside over jury
11 deliberations when that time comes. That of course won't
12 be until the end of the trial after all of the evidence has
13 been received and I have instructed you on the law that's
14 applicable. But when the time comes for jury deliberations
15 you will be presiding over that process simply to ensure
16 that those deliberations are carried out in some orderly
17 fashion.

18 Thirdly, you'll be asked to actually write the
19 verdicts or the decisions of the jury. You'll do that on
20 verdict forms that I'll provide you at the trial's
21 conclusion on which you will indicate the jury's unanimous
22 decision as it relates to each of the separate indictments
23 that have already been read to you.

24 Now, the foreperson has those specific duties that I've
25 just indicated. That does not however mean that she is any

Jury sworn

1 more important than any of you other jurors, and that's
2 because the decision of a jury is the unanimous consensus
3 opinion of all 12 jurors, and so all of you and each of you
4 will have equal say and an equal vote in what the ultimate
5 decisions will be in this case.

6 Someone simply has to be delegated those
7 responsibilities that I have just described, and I have
8 selected the foreperson to assume those responsibilities.
9 But all of you jurors are equally important so far as the
10 ultimate decisions in the case are concerned, because, as
11 I've already stated, the verdicts have to be unanimous. All
12 of you have to be in agreement.

13 Now, Ms. Laney, you've been selected as an alternate
14 juror, and the function of an alternate juror is to take the
15 place of one of the original jurors in the event one of
16 these 12 cannot continue to serve for some reason.

17 So if, during the trial, one of these jurors is called
18 away because of an emergency or an illness or some other
19 circumstance that was unforeseen, you would be called upon
20 to take that person's place.

21 In that event you then become the twelfth juror. If
22 that occurs, then you will participate throughout the trial,
23 including the jury deliberations at the trial's conclusion.
24 If however when the time does come for jury deliberations,
25 if the original 12 jurors are able to participate, then your

1 service ends and you don't participate any further. And
2 that's because the decision of a jury is that of 12. No
3 more than 12 are permitted to engage in that deliberation
4 process.

5 But it is important that you pay just as careful
6 attention as we ask of all of the jurors in the case,
7 because it does occur from time to time for one reason or
8 another one of these 12 may be called away. In that event
9 you become the twelfth.

10 So we do appreciate your participation as an alternate
11 juror, just as we appreciate the participation of each of
12 you jurors who have been selected for deciding the verdicts
13 in this particular case.

14 You may swear the panel.

15 (Whereupon, the jury was duly sworn.)

16 THE COURT: Ladies and gentlemen, as you know, you
17 have been selected to decide the verdicts in the case of
18 the State vs. Hakeem Kwame Shonte Sexton.

19 As you have previously been informed, Mr. Sexton has
20 been accused by the prosecutor by way of these three
21 indictments with having committed three separate and
22 distinct offenses, although they are alleged to have arisen
23 out of one particular event or a course of events which the
24 state alleges occurred back on December the 17th of 2020.
25 But the charges are separate, and you'll be called upon to

1 render separate decisions as it relates to each of the
2 separate indictments.

3 One indictment charges the defendant with having
4 committed the crime of possession with intent to distribute
5 cocaine base, also known as crack cocaine.

6 One indictment charges the defendant with having
7 committed the crime of possession with intent to distribute
8 methamphetamine.

9 And the remaining indictment charges the defendant
10 with having failed to stop for a law enforcement vehicle
11 after being signaled to do so by the use of a blue light or
12 a siren or both.

13 As I told you prior to your selection, the indictments
14 are charging papers. They don't establish anything; they
15 don't prove anything; they're not evidence of anything.
16 They're the charging paper. That's how Mr. Sexton got
17 here, because he was indicted for these offenses.

18 The indictments, although not evidence, will be in the
19 jury room at the trial's conclusion when you go back to
20 deliberate because the indictments will serve as the
21 verdict forms.

22 Because on the back of each indictment, you'll see a
23 place, Madam Forelady, where you are to insert the jury's
24 decision as it relates to that particular indictment. But
25 other than serving as the verdict forms, the indictments

1 serve no purpose so far as you jurors are concerned.

2 As to each of the charges contained in each of those
3 indictments the defendant has entered a plea of not guilty.
4 As I have told you, that plea of not guilty places upon the
5 state the burden of proving the allegations that they have
6 made by way of each of those indictments, the burden of
7 proving each of the essential elements that make up each of
8 the crimes that are alleged in each of those separate
9 indictments; and therefore the burden is upon the state,
10 because they brought the charge, to prove the defendant's
11 guilty to your satisfaction -- or to prove the defendant's
12 guilt to your satisfaction beyond a reasonable doubt before
13 any verdict of guilty could be returned as to any of the
14 indictments.

15 Every person accused of a crime is always presumed
16 innocent of that charge. That presumption of innocence
17 remains with every defendant, as it does with this
18 defendant, from the time of his arrest and throughout the
19 course of the criminal process and even throughout the
20 course of the actual trial in the case.

21 That presumption of innocence will be with Mr. Sexton
22 even at the end of the trial as you go back to begin with
23 your deliberations in the case. That presumption of
24 innocence will be with him in the jury room, and it'll be
25 with him forever unless you 12 jurors determine that he is

1 no longer entitled to that presumption of innocence.

2 In other words, after you have carefully considered
3 all of the evidence received during the course of the
4 trial, and from that evidence you have been able to
5 determine the material facts that relate to the allegations
6 contained in the indictments, and after deciding those
7 facts you apply the law that I will have provided you, if
8 you 12 jurors unanimously determine that his guilt as to a
9 particular indictment has been proven beyond a reasonable
10 doubt, then he would no longer be entitled to that
11 presumption of innocence as it relates to that particular
12 charge. But it is only if, unless and until you are
13 satisfied of his guilt beyond a reasonable doubt that the
14 presumption of innocence would no longer be applicable.

15 Now, the way the trial will proceed is that in a
16 moment the lawyers are going to address you in what are
17 called opening statements.

18 There are two occasions in the trial of a case where
19 lawyers are permitted to address the jury directly, and
20 that is at the beginning of the trial before any evidence
21 is introduced, then again at the conclusion of the trial
22 after all of the evidence has been received. But please
23 keep in mind, as I've just indicated, the lawyers'
24 statements are not evidence. You are not to consider any
25 statements made by either of the lawyers to be evidence

1 upon which you will base your decision, and that's because
2 the lawyers don't know anything about this case of their
3 own personal knowledge or perception like witnesses will be
4 testifying to when witnesses come to the witness stand and
5 testify before you to provide you with information.

6 The lawyers aren't going to take the witness stand.
7 They're not going to be placed under oath. They will not
8 be subjected to direct and cross-examination like each
9 witness will be that provides information to you during the
10 course of the trial.

11 So what the lawyers say is not to be considered as
12 evidence, but you should listen to what the lawyers have to
13 say because those statements do serve a purpose.

14 The opening statements serve to provide you with a
15 basic understanding as to what this case is about so that
16 you'll have some context in which to place the evidence
17 that we will be receiving shortly thereafter.

18 The closing statements afford the lawyers an
19 opportunity to discuss with you the evidence that you have
20 seen and heard during the course of the trial, and through
21 that discussion each lawyer will have an opportunity to try
22 to persuade you or to convince you that the evidence in the
23 case does or does not support a particular decision. And,
24 as I've stated, it's in between those opening and closing
25 statements that we actually receive the evidence upon which

1 you will base your decision.

2 The state has the burden of proof, as you've been
3 told, because they made the accusation, they brought the
4 charge. The state has the burden of proving the
5 defendant's guilt beyond a reasonable doubt, and therefore
6 the state has to present evidence, and therefore they will
7 go forward first in that presentation.

8 After the state has completed with their presentation
9 any person accused of a crime has an opportunity to testify
10 or to call other witnesses or to introduce other evidence,
11 but a defendant in a criminal trial is never under any
12 obligation to testify or to call a witness or to introduce
13 evidence, because the burden is not upon a person who is
14 accused of a crime to prove that they are not guilty or to
15 prove that they are innocent because in some cases that
16 might not be possible.

17 The burden is on the state to prove their guilt, not
18 upon a defendant to prove their innocence. But every
19 person accused of a crime that comes to trial is always
20 afforded an opportunity to testify or present evidence if
21 he or she wishes to do so.

22 So after all of that evidence has been received and
23 after you hear the final summations of the lawyers, I will
24 then instruct you fully on the law as it relates to the
25 criminal law generally and as it relates to these

1 particular crimes specifically, and then you'll be asked to
2 go back and to begin with your deliberations. And through
3 that process and in the exercise of good judgment and
4 common sense conscientiously applied to the testimony and
5 evidence received during the trial you're going to be
6 called upon to decide the facts that relate to the material
7 allegations.

8 After deciding the facts you'll apply the law that I
9 will have provided you, provided to you, and then you 12
10 jurors will determine whether or not the defendant's guilt
11 has been proven beyond a reasonable doubt as it relates to
12 each of the separate indictments.

13 Now, all that we ask for you to do is to pay careful
14 attention throughout the course of the trial. There likely
15 will be a number of witnesses that testify, and presumably
16 each witness has some relevant information to share that
17 will be helpful to you in deciding the case.

18 So it's important that you give each witness the same
19 degree of attention while that witness is testifying. That
20 doesn't mean that you have to give every witness the
21 same -- the testimony of each witness the same degree of
22 weight, because one of your prerogatives in deciding the
23 facts of the matter is evaluating the evidence. And in
24 evaluating the evidence you'll also often must evaluate the
25 credibility or the believability of each witness that

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1 testifies.

2 And so in your decisions as to the facts you get to
3 assess the credibility of witness testimony. And so you
4 can believe everything that a witness testifies to; you may
5 choose to believe none of it. You may believe some portion
6 of a witness' testimony and reject some other portion of
7 that same witness' testimony.

8 You could believe one witness as opposed to several,
9 or several as opposed to one. But in order for you to be
10 in a proper position to be able to fairly evaluate and
11 assess a witness' credibility you've got to pay attention
12 and watch them while they testify, and listen to them, so
13 that when you do go back to begin deliberations you'll be
14 in a proper position to be able to fairly evaluate the
15 credibility and reliability of each witness' testimony
16 based upon not just that witness' testimony but based upon
17 all of the testimony and all of the evidence received
18 during the course of the trial.

19 And of course it's also important that you keep an
20 open mind throughout the course of the trial. You are not
21 to begin making up your minds or formulating your opinions
22 as to what you think the ultimate decisions ought to be in
23 the case until all of the evidence has been received, until
24 I have instructed you as to the law that's applicable and
25 until you go back and begin your deliberations in the case.

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1 That is the process that has been designed over the
2 last 240-some-odd years to ensure that you can arrive at a
3 fair and impartial decision in these cases, as well as any
4 cases you might be called upon to participate in.

5 So I do want to thank you in advance for your
6 participation, as well as for your careful attention. I
7 would ask that you please give the lawyers your attention
8 now as they give you their opening statements.

9 Mr. Sippe1.

10 MR. SIPPEL: Thank you, Your Honor.

11 Ladies and gentlemen, as I'm sure you all know, there
12 are some things in this world that you just can't do, not
13 only because they might be against the law but also because
14 they can put people's lives in danger.

15 One might start out small. You might not think
16 anything of it, but when you break the law things have a
17 tendency to escalate and get worse and worse and worse.

18 So you go through a red light. No one crashes. You
19 know, no accident, no one was hurt. You don't think
20 anything of it.

21 Okay. Maybe after that you're speeding, going a
22 little fast on the highway. Everyone does it. It's no big
23 deal. But then you see those flashing lights and the
24 sirens behind you. Things escalate. Maybe you've got some
25 drugs in the car. You start to panic. You think I can

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1 outrun them. So you speed up even faster, and things are
2 just getting worse and worse. Now you're swerving in and
3 out of traffic.

4 MR. WARDER: Your Honor, I object to this. This is
5 not a recitation of the facts. This is his opinion on how
6 people react.

7 THE COURT: Be sure you confine your opening to an
8 explanation of the law and what you intend to show.

9 MR. SIPPEL: Yes, Your Honor.

10 Ladies and gentlemen, we're here today because Hakeem
11 Sexton, the defendant over there, is charged with
12 possession with intent to distribute methamphetamine,
13 possession with intent to distribute cocaine base, which is
14 more commonly known as crack cocaine, and failure to stop
15 for blue lights.

16 Now, as the judge instructed, the state has the burden
17 to prove beyond a reasonable doubt that the defendant is
18 guilty of these crimes.

19 So let's start with the first one, failure to stop for
20 a blue light. To be guilty of failure to stop for a blue
21 light the state needs to show that the defendant,
22 Mr. Hakeem Sexton, was driving on a road, highway,
23 interstate within Spartanburg County and that he failed to
24 stop when he was signaled by a law enforcement officer by
25 the means of sirens or flashing lights.

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1 Now, during the course of this trial you're going to
2 see evidence via an in-car video from Officer Andy Wright's
3 vehicle. Officer Andy Wright is the one who initiated a
4 stop and he was the one that conducted the pursuit.

5 In that video you're not only going to see that the
6 defendant was signaled via sirens and flashing lights to
7 stop. You're going to see that he sped up. You're going
8 to see that he was swerving in and out of traffic up until
9 the point where he crashes into a ditch and gets out and
10 flees on foot.

11 The next two offenses are very similar, so I'm just
12 going to speak about them as if they were one. It's
13 possession with intent to distribute methamphetamine and
14 possession with intent to distribute cocaine base which,
15 again, is more commonly known as crack cocaine.

16 Now, for this the state needs to show that the
17 defendant knowingly or intentionally possessed with the
18 intent to distribute, dispense or deliver methamphetamine
19 and/or cocaine base, again, crack cocaine.

20 Now, you're going to hear testimony from Officer
21 Wright that after the defendant crashed into the ditch he
22 got out. He fled on foot.

23 You're going to see his body-worn camera footage of
24 Officer Wright chasing the defendant into the tree line.
25 You'll hear they ran across the street in the wood area.

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1 And after the defendant was apprehended law enforcement did
2 a search of the vehicle. And what did they find? They
3 found meth and cocaine base. Not one, not two, but three
4 baggies with a combined weight just over 6 grams of drugs.

5 Now, during the course of the trial you're going to
6 hear testimony from different people. You're going to see
7 photographs and videos as I just explained, and at the end
8 of the case you're going to hear from myself and Mr. Warder
9 again. At that time I'm going to ask that you take all of
10 the evidence you've seen and heard into consideration and
11 I'm going to ask that you find the defendant guilty of the
12 offenses he is charged with. Thank you.

13 THE COURT: Mr. Warder.

14 MR. WARDER: Thank you, Your Honor.

15 Ladies and gentlemen, this is a case that you'll have
16 to decide the issues of whether or not my client had drugs.
17 My client vehemently denies he had any drugs.

18 There's videos that was taken in this case, but the
19 people taking the videos turned the camera off at certain
20 segments or don't pay attention to what's happening.

21 For an example, when drugs are supposed to be found
22 and recovered, they shut the camera off. For the -- you
23 just, you don't get a complete picture unless you see
24 everything, the part -- not just the parts the state wants
25 you to decide but what important things happened in the

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1 case.

2 In this case they failed to do that. They failed to
3 photograph. They say they had a drug dog that found some
4 ~~drugs. They don't have a video of that. They all~~ had body
5 cameras on. They don't activate them.

6 There's a 10-minute gap in there. We've been told
7 that they shut the camera off because the dog wanted to go
8 to the bathroom and they didn't want anybody to see it.

9 Can you imagine any human being on earth in this day
10 and age would be embarrassed to see a dog defecate? People
11 walk them on the streets. They carry a bag along to pick
12 it up. It's not something that's unusual.

13 They shut the camera off because that's what is
14 supposed to be important. The dog found something. What
15 he found was in some order on the ground.

16 This is a case of reasonable doubt that will arise
17 from the lack of evidence, from things that are not there
18 and not shown, that when you look at the evidence you watch
19 \ and you know that if people wanted to preserve all of the
20 evidence there would be a video of it. They just video
21 around it.

22 This is a case that at the end of the case all we ask
23 of you to find a verdict of not guilty, not guilty because
24 of the lack of evidence.

25 His Honor will tell you that the state must provide

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1 evidence so powerful that it removes all reasonable doubt
2 and strikes down the presumption of innocence.

3 I submit to you you will find that lacking. Thank you
4 very much.

5 THE COURT: Mr. Sippel.

6 MR. SIPPEL: Thank you, Your Honor.

7 The state would call Officer Jared Wright to the
8 stand.

9 JARED ANDREW WILLIAM WRIGHT,
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. SIPPEL

12 Q Good morning, Officer Wright.

13 A Good morning, sir.

14 Q Can you please state your name and spell it for the
15 Court?

16 A Jared Andrew William Wright. I go by Andy. J-A-R-E-D
17 A-N-D-R-E-W W-I-L-L-I-A-M W-R-I-G-H-T. And A-N-D-Y is what
18 I'm commonly referred to as.

19 Q Thank you, Officer Wright.

20 Can you please tell the Court where you are currently
21 employed?

22 A Right now I'm the canine handler for the City of Duncan
23 Police Department inside of Spartanburg County, South
24 Carolina, just not too far down the road here.

25 Q And how long have you been employed there?

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1 A I started at Duncan in January -- right at January -- I
2 think it was the 13th of 2020 -- as a -- as a police
3 officer. About June, April or June, I got assigned to the
4 canine unit, and I got a dog and began to work with him.
5 And I was on the street full time. I was the canine handler
6 with my dog, Chaos, in September of 2020.

7 Previous to that I worked at Lyman Police Department
8 from 2016 to 2020 as a police officer.

9 Q So how long have you been involved in law enforcement?

10 A I started in 2016, so about seven years roughly, six
11 and a half years, somewhere like that working actually.

12 Q At the time of the incident in December of 2020 -- so
13 you started in 2016 -- about four?

14 A Yes, sir.

15 Q Almost five years depending on when you started in
16 2016?

17 A Yes, sir.

18 Q Thank you.

19 What kind of training -- you know, what kind of
20 training did you have to go through to become a canine
21 handler?

22 A Well, the canine -- there's a lot of training that
23 leads up to just being a regular police officer, but
24 there's -- I kinda equate it to like teachers. There's
25 different police officers, but sometimes they're broken up

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1 into different sections, right.

2 So I'm a police officer. I'm a regular police officer.
3 I'm patrol, traffic enforcement, detection. Sometimes we
4 investigate crimes of different things, but in addition to
5 that one of my assigned duties is a canine handler. So
6 I've -- I've logged several hundred hours of training with
7 my dog.

8 We do extra training on top of all of the other stuff
9 that we have to do to keep up our certification. We train
10 regularly almost every shift, if not every single shift, to
11 get better so we can serve the public in the -- in the
12 correct way. It's all documented and it's all, you know,
13 in -- in a book in our system we have.

14 Q Thank you.

15 Now, the date of this incident, December 17th of 2020,
16 were you working that day?

17 A Yes, sir. I was in the City of Duncan.

18 Q In what capacity?

19 A I was a canine handler. I was on -- we call it routine
20 patrol. I was patrol officer assigned to the shift that
21 day, and/but I had my dog with me in the car and I was
22 operating as a canine handler.

23 Q Okay. And where within Duncan were you patrolling?

24 A So we don't have a specific area in Duncan where we're
25 working, but we patrol the whole city. So anything in the

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1 town limits, as everybody is, in limited manpower. We -- we
2 just kinda go as -- as where we -- we patrol. Not only do
3 we do traffic stops, but we ride by people's homes, people's
4 businesses, and we're trying to kinda spread out and protect
5 the community as best we can so that we can respond to calls
6 in a timely manner.

7 The day of this incident, at the time of this incident,
8 I was actually on Hwy. 290 near I-85.

9 Q Okay. And is that where you first noticed this
10 defendant in the vehicle?

11 A Yes, sir, in that area. So I actually saw him -- if
12 you're familiar with the area, I'm not sure. On Hwy. 290
13 there's a road near -- there's a McDonald's and a Hardee's.
14 And across the street there's a little gas station. I
15 believe it's called the Marathon gas station. And that's
16 South Main Street, and that takes you into Startex.

17 I was on Hwy. 290 going towards 85 from Duncan and I
18 made a left-hand turn, and I saw the defendant in a red car
19 come outta the Marathon gas station and -- and come by me.
20 That's when I first noticed him in the gas station.

21 Q Okay. What -- what did you observe next after the
22 defendant pulled out?

23 A So I -- I observed a red car come outta the gas
24 station, and as he went by me, if you can picture my vehicle
25 on the highway, on the roadway, the car coming across right

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1 in front of me, and I looked at him and I noticed -- I know
2 his name now as Mr. Sexton. At the time I didn't know his
3 name. I know Mr. Sexton. I observed that he did not have a
4 seat belt on. So he caught my attention when he came
5 across.

6 And then one of my jobs -- obviously, my -- my -- my
7 dog is a narcotics dog, so I'm a narcotics canine handler.
8 So where my dog is, I mean, where my -- my job function is,
9 I observe traffic. I worked narcotics, and we just patrol
10 the town for protection.

11 I noticed this vehicle. In my mind he had two people
12 in the vehicle. There was a -- another passenger in the
13 vehicle. And one of the things for me is I -- I like to --
14 to help educate people on how dangerous seat belts are. A
15 lot of times people don't -- don't think that just wearing
16 your seat belt can be a big deal. I mean, it's -- it's my
17 choice. I can wear a seat belt.

18 My -- my thing with that is I try to educate people on
19 it. It's not just you, especially when you're in a vehicle
20 with two people. For some reason you get in a wreck, your
21 body can come outta the seat and -- and injure, God forbid,
22 your loved one in the car. We don't want to see anybody get
23 hurt.

24 As the vehicle came by I saw no seat belt, and I looked
25 at my -- my right-hand mirror on my -- my vehicle, and I

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1 observed the vehicle come past me and then make a
2 right-hand -- hand turn onto Hwy. 290, and the red light
3 was, it was red, and the vehicle did not stop when he made
4 the right-hand turn there onto Hwy. 290.

5 Q Okay. And after you saw the vehicle make that turn at
6 the red light without stopping, what did you do next?

7 A So I -- there was some traffic. I think a truck was
8 coming. I made a turn in order to go stop the car. I
9 wanted to talk to the driver and educate him on what proper
10 safety with the traffic laws. We had a bunch of wrecks.
11 I'm sure that everybody in here can figure out, you know, or
12 thinking somebody's died in a wreck or got hurt in a wreck.
13 Maybe you've been in a wreck yourself.

14 what we try to do is our presence and our patrol of
15 stopping cars helps reduce that and essentially, I think, it
16 saves lives.

17 So my goal was to -- to safely maneuver my vehicle. I
18 was in a -- I was in a marked patrol car with reflective
19 markings on it.

20 I'm -- my -- my position was to safely position my
21 vehicle in a way that I could safely initiate a traffic stop
22 with the red vehicle that made the right turn onto Hwy. 290.

23 Q Okay. And did you initiate a traffic stop on that
24 vehicle?

25 A I did. After I, myself, turned around and I made a --

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1 I came to a complete stop at the red light.

2 when you come up to the red light, it's kinda hard to
3 maybe describe, but the Hardee's parking lot, if I'm sitting
4 at the red light and McDonald's in front of me, the red
5 vehicle made a right onto Hwy. 290. And I -- I observed the
6 vehicle.

7 I -- the more -- the closer I got to the red light the
8 more I could observe the intersection. So the -- the
9 vehicle that made the right turn went from the number --
10 No. 3 lane, which is the slow lane, and made the first right
11 turn.

12 You're supposed to take that first lane and safely move
13 your way over. This vehicle went all the way across all
14 three lanes and then did a U-turn putting him or the vehicle
15 in the No. 2 lane, which would be the middle lane, on Hwy.
16 290 facing back towards 85.

17 So at this point I'm sitting at the red light about to
18 make a right turn, and I observed this vehicle off and make
19 a -- make a turn into the number of -- basically over five
20 lanes of traffic and made a turn back towards I-85.

21 Q Okay. So you got behind the vehicle and --

22 A I -- I did, yes, sir. So I -- what I did is I -- I
23 made a right-hand turn safely and then a U-turn. I came up
24 from behind -- behind the vehicle. I had -- I had to go
25 around a couple of cars safely. And I got -- when I got

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1 behind the vehicle, the vehicle was making a right-hand turn
2 off of Hwy. 290 onto Interstate 85 at the 63-mile marker,
3 which is Duncan, onto the on-ramp on 85 southbound towards
4 Greenville.

5 Q Okay. And that -- is that still within Spartanburg
6 County?

7 A Yes, sir, and the City of Duncan, yes, sir.

8 Q Okay. And at what point did you initiate the traffic
9 stop?

10 A So I like -- I like to call out my stop before I
11 initiate my blue lights and stuff so to make sure we have
12 accurate information. There's a lot of things going on at
13 one time when we make a traffic stop. So some of our -- our
14 protocol, I guess, through dispatch would be where are you,
15 what kind of car is it, your I.D. number, who are you, where
16 are you and what the vehicle looks like and where you're at.

17 So when we turned onto the on-ramp to get onto
18 southbound 85 I started to call out my traffic stop letting
19 dispatch know who I am, where I'm at and what I'm doing. We
20 have ten codes for -- for different things. 10-38 means I'm
21 making a traffic stop. So I identified myself, gave my
22 location.

23 And before we got to the bottom of the ramp I activated
24 my blue lights in -- in order to -- to have the driver
25 safely pull over. I was trying to get all out and get the

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1 vehicle to stop before we got on the interstate in the
2 safety of myself and the other people in the vehicle.

3 Q Okay. Thank you, Officer Wright.

4 MR. SIPPEL: Your Honor, the state would like to --
5 can the state approach the witness?

6 THE COURT: Yes.

7 You can put that filter back on that microphone that
8 you knocked off.

9 THE WITNESS: Is that volume okay, Your Honor?

10 Q Officer Wright, do you recognize what the state just
11 presented you?

12 A Yes, sir. This is a video from my in-car camera, which
13 is a camera that hangs on the inside of my patrol vehicle.
14 And I initialed it, so that's the video that I reviewed
15 previous to today.

16 Q Okay. So you know that's what that disc is because it
17 has your initials on it --

18 A Yes, sir.

19 Q -- as you indicated you viewed that.

20 A Yes, sir. I have.

21 Q Is that an accurate representation of what occurred on
22 this day through your in-car camera?

23 A Yes, sir.

24 MR. SIPPEL: Your Honor, the state would move to admit
25 State's Exhibit 1 into evidence.

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1 MR. WARDER: Your Honor, we have no objections to
2 State's Exhibit 1.

3 THE COURT: Okay. It's admitted.

4 (C.D. marked State's Exhibit No. 1.)

5 MR. SIPPEL: Your Honor, the state would move to
6 publish Exhibit 1 to the jury.

7 THE COURT: You may.

8 (Whereupon, the video was played for the jury.)

9 Q Officer Wright, is that the intersection that you were
10 just speaking about?

11 A Yes, sir. So this is Hwy. 290. Interstate 85 is ahead
12 of us. If you look off to the left of the screen kinda
13 under where it says body cam, you'll see the gas station
14 that the defendant was in the parking lot before he crosses
15 in front of my vehicle.

16 Can I clarify that, just my camera? My camera -- I
17 have two cameras. Okay. I have one on my chest and I have
18 one that hangs inside my vehicle. The reason you're not
19 getting audio right now is because it backs up 30 seconds
20 from the time I activated my camera just to capture the
21 moment beforehand.

22 Q Thank you, Officer Wright.

23 And is that the vehicle that you were speaking of?

24 A Yes, sir, the red vehicle, yes, sir.

25 Q Okay.

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1 (Whereupon, the video was played for the jury.)

2 Q As you said before, this is where you turn around?

3 A Yes, sir.

4 Q And so --

5 A You hear the beep. My camera just came on at that
6 time.

7 THE COURT: Excuse me just a minute.

8 Let me ask the jury to please step out just a minute.
9 I have one thing I need to take up. Don't talk about the
10 case. Please go to your jury room.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: Mr. Warder, you and Mr. Sexton apparently
14 have not had a conversation about how proper decorum is to
15 be displayed when a witness is testifying.

16 So, Mr. Sexton, let me remind you. This witness is
17 testifying because he's called to testify. You may
18 disagree with what he says. You may have a different view
19 of things. And you're going to have that opportunity to
20 testify when your time comes. But in the meantime you
21 cannot react for the benefit of this jury to what this
22 witness or any other witness is testifying.

23 THE DEFENDANT: I'm sorry, sir. I didn't know. It
24 was just --

25 THE COURT: I'm not through talking and you don't

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1 interrupt me when I'm talking either. Is that clear?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I'll give you a chance, a good chance, to
4 tell me anything you want to. We're going to take turns
5 doing that. You're not going to interrupt me while I'm
6 talking.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I'm making a point now because you
9 apparently don't understand the proper decorum while a
10 trial is in progress.

11 You can't convey by gestures or by talking out loud to
12 Mr. Warder your disagreement with a witness' testimony for
13 the benefit -- benefit of this jury, because, you see, the
14 solicitor doesn't have the opportunity to question you or
15 examine you about that.

16 So if you don't agree with testimony or you want to
17 present your own testimony, there'll be a time that will
18 come for that, and you'll be able to testify, and then
19 you'll be subjected to direct and cross-examination like
20 these witnesses are. But in the meantime you're going to
21 behave yourself in the courtroom.

22 If you need to convey something to Mr. Warder, you
23 write it on a piece of paper, let him know, or just
24 remember it so that he'll be reminded it's something a
25 witness testified to you disagree with.

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1 But you can't sit over there and throw your hands up
2 in the air and point at the screen and wave your hands
3 around like you're doing right now. You can't do that when
4 the jury is where because, you see, they don't get the
5 opportunity to hear your testimony or an examination of
6 you. So that comes when you take the witness stand if you
7 want to. Do you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, you got something you
10 wanted to tell me?

11 THE DEFENDANT: Yes, sir. I wasn't trying to convey
12 or sway the jury with my arms. I'm trying to show him,
13 more or less, as I hear the solicitor and the officer the
14 inconsistency that they're saying what was showing.

15 So I was, more or less, pointing and trying to say it,
16 but I did let my hand down and I'm -- I apologize for that.
17 But this has nothing to do with the jury. It was just the
18 inconsistency --

19 THE COURT: Well, you --

20 THE DEFENDANT: -- hearing from their mouths as such
21 the video played because of how it was presumed to us. So
22 that's -- that's all I was doing. And I was pointing so he
23 could catch it as. That's all my fault. I am sorry. I
24 won't move again.

25 THE COURT: Okay.

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1 THE DEFENDANT: It wasn't that I didn't understand. I
2 wasn't doing it for that reason.

3 I was just trying to point at the time of my knowledge
4 that what they're saying isn't matching to what was
5 probably indicted by the grand jury that was believed upon.
6 And I'm trying to show it within the video because they're
7 just saying it rather than just looking at the video and
8 seeing me. That's not mentioned. What you're saying it
9 not mentioned. That's all. It had nothing to do with the
10 jury, sir.

11 THE COURT: Well, it does have something to do with
12 the jury. That's why -- that's why I address it, because
13 they're over there. They can see you doing all of that.

14 THE DEFENDANT: Yeah. I wasn't paying no attention.
15 It was just --

16 THE COURT: Well, you need to pay attention.

17 THE DEFENDANT: -- understanding from me and Mr.
18 Warder the pointing I was doing. I'm sorry though.

19 THE COURT: You need to pay attention.

20 And the other thing is you and Mr. Warder, I assume,
21 have already looked at these videos and so --

22 THE DEFENDANT: Yes. It was about what they're
23 saying.

24 THE COURT: Don't interrupt me.

25 I assume that you and Mr. Warder have already viewed

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1 these videos --

2 THE DEFENDANT: Yes.

3 THE COURT: -- and you've told him your view of it and
4 what you think about it, and so y'all had that discussion.

5 So if you think this witness has got something and
6 it's wrong, then you can put up a witness later or
7 Mr. Warder can examine him about that. Mr. Warder's going
8 to have a chance to ask him questions too.

9 THE DEFENDANT: May I? That's what I was telling him
10 to ask him, why this, why that. That's what I was just
11 doing. I'm sorry.

12 THE COURT: Well, if you need to do why this, why
13 that, just write it down instead of flailing your arms and
14 hands wildly in the air.

15 THE DEFENDANT: I am sorry. Thank you, Judge. It
16 won't happen again.

17 THE COURT: Okay. Thank you.

18 Anything else we need to address?

19 Mr. Warder, do you need a chance to talk with
20 Mr. Sexton any further?

21 MR. WARDER: Just a second.

22 (Pause.)

23 MR. WARDER: Thank you, Your Honor.

24 THE COURT: Okay. Bring the jury back.

25 (The following takes place in the presence of the

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1 jury.)

2 THE COURT: All right. The jury has returned.

3 You may continue.

4 MR. SIPPEL: Thank you, Your Honor.

5 BY MR. SIPPEL

6 Q Officer Wright, as we were just discussing, this is
7 when you saw the defendant's vehicle make that U-turn?

8 A Yes, sir. He didn't make a U-turn. He was (inaudible
9 due to video sound playing.)

10 (Whereupon, the video was played for the jury.)

11 A would you like for me to narrow this?

12 (Whereupon, the video was played for the jury.)

13 Q Okay. Officer Wright, and this is when you entered
14 onto I-85?

15 A Yes, sir. So the vehicle -- I was behind it and I'm --
16 this is where I don't have my -- my blue lights activated
17 yet. I'm calling out my stop and I will activate it
18 shortly.

19 Q Okay.

20 (Whereupon, the video was played for the jury.)

21 Q Officer Wright, are those your sirens that we hear?

22 A Yes, sir. Unfortunately, on this camera you can't --
23 it doesn't, like, dictate where I actually activated my blue
24 lights, but it was before the on -- entrance onto Interstate
25 85 Southbound. So I've made thousands of traffic stops in

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1 my career, and typically when you activate your blue lights
2 for a vehicle, they see it or sometimes --

3 MR. WARDER: Your Honor, I object to the thousands of
4 blue lights he's used in his career and all of that.

5 THE COURT: well.

6 MR. WARDER: That doesn't have any relevance to this
7 case.

8 THE COURT: well, it might very well. I don't mind
9 him testifying about his experience, but I don't know if
10 this particular response is responsive to your question.

11 MR. SIPPEL: Yes, Your Honor.

12 BY MR. SIPPEL

13 Q Officer Wright, if you would, just respond.

14 A Sure. Yes, sir, if you ask me, yes, sir, if you don't
15 mind.

16 Q Yes. So the sirens that we just heard in the video.
17 that was when you activated your sirens, correct?

18 A On my vehicle. I'm the only patrol vehicle behind the
19 car, yes, sir.

20 Q Okay. And had you already activated your lights at
21 this point, or were they nonactivated?

22 A Yes, sir. I activate -- they're already on. I'm
23 bumping the siren a couple of times just to -- sometimes --
24 sometimes they have the radio on and they might be looking.
25 He -- he or she may have already merged onto the interstate.

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Direct examination by Mr. Sippel

1 So they might not have looked in the mirror and saw the
2 lights. So you hit the siren on the vehicle. Sometimes a
3 bump or two will get people's attention and go, hey, police
4 are behind me.

5 Q Okay. So at this time both your siren and your
6 flashing lights are activated.

7 A Well, you'll hear the difference, yes, sir, to answer
8 your question. You'll hear the difference, and I bumped it
9 a couple of times, and then I hit a different button on my
10 panel to -- to keep it activated, yes, sir.

11 Q Okay. Thank you.

12 (Whereupon, the video was played for the jury.)

13 Q Okay. Officer Wright, so at this point lights and
14 siren has done been on for a few seconds. The defendant
15 didn't stop. How would you describe his driving at this
16 point? Did he stay the same speed, speed up, slow down?

17 A Yes, sir. So after I activated my blue lights and
18 siren, I believe the defendant not only was driving in a
19 more reckless manner due to the lights and siren but
20 after -- after I -- he was not only driving in a reckless
21 manner but he was endangering several people around him,
22 switching lanes back and forth.

23 In South Carolina they allow a certain number of feet
24 before you switch lanes. None of that was happening. There
25 was no intent for most of the pursuit for him to signal that

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1 he was going to get over, stop, give up, trying -- a lot of
2 times we give -- we give them leniency if he were in the
3 fast lane to try to get over, you know, safely. Obviously,
4 it might take a half mile or a quarter mile.

5 In this situation I don't believe that -- that the
6 defendant was trying to do that. In my opinion he was
7 endangering the public and without a due -- due regard for
8 any law enforcement vehicle or anything behind him.

9 Q Okay. And how would you describe his speed at this
10 time?

11 A Definitely increasing and it was mostly -- it increased
12 mostly after the siren was activated. And we're -- at one
13 point we reach 120 miles an hour endangering the public and
14 myself all around us.

15 Q Thank you, Officer Wright.

16 (Whereupon, the video was played for the jury.)

17 Q All right. Officer Wright, so you was describing what
18 we just saw on the video.

19 A Yes, sir. So when I initiate a traffic stop coming
20 down the interstate, I activated my blue lights coming down
21 the on-ramp.

22 Obviously, maybe he saw me, and maybe he didn't, at
23 first. So I bumped my siren a couple of times just to let
24 him know I was back there. The -- the vehicle continued and
25 increased its speed pretty drastically and pretty -- pretty

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1 frequently throughout the pursuit switching lanes back and
2 forth.

3 If you notice, there's plenty of opportunities, I
4 believe, safely to stop on the side of the interstate. And
5 not only that, is if you were -- I've heard before somebody
6 say I don't want to stop on the side of the interstate. I
7 believe if that was the case maybe you could stop with a --
8 on the on-ramp or off-ramp getting off, and that's a safer
9 manner.

10 The vehicle was traveling back and forth, lane to lane.
11 If you see us move it's obviously -- if -- people driving
12 down the interstate, that's not typical driving behavior.
13 So there's a lot of potential for a vehicle collision or a
14 death or somebody to get involved in a pursuit like that.
15 That's why pursuits for us are so dangerous.

16 So when a vehicle is traveling going lane to lane in a
17 reckless manner, I believe that the -- it was -- it was very
18 reckless and it could cause harm to a lot of people.

19 Q Okay. And could you tell us where -- where this is
20 that he got off the interstate, what exit it is this --
21 where is it?

22 A Yes, sir. So this is getting off of I-85 Southbound
23 toward Greenville onto Hwy. 101. So we're going to turn,
24 and then there's like a Q.T. across the interstate. And
25 this is Burger King and stuff on the right-hand side.

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1 Q Thank you, Officer Wright. I'm going to resume the
2 video now.

3 (Whereupon, the video was played for the jury.)

4 Q Officer Wright, can you tell me what color that light
5 is at that intersection?

6 A It's red, sir.

7 (Whereupon, the video was played for the jury.)

8 Q And, Officer Wright, again, can you tell the Court what
9 the color of the light is at this intersection?

10 A I'm almost positive it's red. It's kinda hard to see
11 from there, but I'm almost positive it's red. We have
12 traffic stopped in the road.

13 Q Okay. And what lane was the defendant in when he made
14 that turn?

15 A The -- the turning lane. And then when he went -- was
16 in the left-hand turning lane to turn at the intersection.
17 He made a right-hand turn and went through the whole
18 intersection.

19 Q Okay. Thank you.

20 (Whereupon, the video was played for the jury.)

21 Q And, again, can you just describe what we just saw on
22 that, the last portion?

23 A Yes, sir. This is Caliber Ridge Drive. Make a right.
24 That's Caliber Ridge Drive, and there's a stop sign where
25 the vehicle is. The other vehicle, that silver vehicle, is

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1 not involved. It stopped at the stop sign.

2 Q Okay. And the vehicle involved in the pursuit, the red
3 vehicle, it made a left-hand turn. What lane did it make
4 that turn from?

5 A It was technically the No. 2 lane, but it went and made
6 a left-hand turn in the intersection in front of the silver
7 Lexus that was stopped for the stop sign.

8 Q Okay. Thank you.

9 (Whereupon, the video was played for the jury.)

10 Q I'm actually just going to back this up and show us a
11 couple of seconds.

12 (Whereupon, the video was played for the jury.)

13 Q Okay. Officer Wright, is this a -- is this a 3-lane
14 road that the defendant turned onto?

15 A No, sir.

16 Q Okay.

17 A And it has a double-yellow line, sir. Not allowed, not
18 to pass. It's a dangerous curve.

19 Q Okay. And was the defendant in front of that semi
20 truck before he got onto that road?

21 A Do you mean when he turned? He was in front of the
22 vehicle. Once he turned, yes, sir, in the -- in the
23 oncoming traffic, yes, sir.

24 Q Just to clarify, when the defendant turned onto this
25 road was he behind the semi truck or was he already in front

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1 of the truck before he turned?

2 A A little. When he turned -- yeah. A little of both.
3 Once he turned, he squeezed in between the semis, and,
4 honestly, I was confirmed -- concerned for the safety of
5 other people in that vehicle because I honestly thought the
6 18-wheelers were going to close on the vehicle itself and
7 cause an accident.

8 Q Okay. So he went in between the two tractor trailers.

9 A Barely, yes, sir.

10 Q On that 2-way.

11 A Right, yes, sir.

12 (Whereupon, the video was played for the jury.)

13 Q Okay. Officer Wright, what's happening now?

14 A So we went through another intersection. We had to
15 stop cars. It's a 4-way intersection if I'm not mistaken.
16 This is Brown Wood Road, and it's a dead-end where -- you
17 notice on the left that fence is a, like a, church softball
18 field from the back side of it and there's a church on the
19 left-hand side to it. On the right is a -- is a field with
20 no -- no building or structure there.

21 Q Okay. And did the defendant stop at this point when he
22 hit that dead-end?

23 A No, sir. He turned and came back at -- at my
24 direction.

25 (Whereupon, the video was played for the jury.)

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1 Q Okay.

2 A If I can point out one thing, sir, the -- so after he
3 passed me, I immediately looked into my -- my mirror on my
4 car to watch where he was going. So I kept eyes on him the
5 best I could as I turned around.

6 Q Okay. And what -- what did you observe after you
7 turned around?

8 A I observed the vehicle. Actually watched the car go
9 into the ditch in my side mirror. And when I turned around,
10 I observed that the vehicle that we were pursuing was into
11 the ditch.

12 It's kinda hard to -- to picture what was going on as
13 far as the terrain in the video, but if you notice there's
14 like water in the ditch. It rained that previous night.
15 And it was kind of drying up for the day. This is like
16 10:00 o'clock in the morning.

17 And the vehicle slid down in the ditch. And when the
18 vehicle slid into the ditch the driver exited the vehicle.
19 And you -- in a second you'll see where the passenger
20 actually moved over to the driver's seat and they were --
21 mud was slung everywhere. The vehicle was stuck in the
22 ditch.

23 (Whereupon, the video was played for the jury.)

24 Q Officer Wright, can you just tell the Court what's
25 happening at this point?

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1 A Yes, sir. So I had a camera on my chest as well, and
2 this is my in-car camera. So it stays in my car. It
3 doesn't go with me. I had a camera on my chest that I
4 assume we'll see later, but when I exited my patrol car I
5 stopped in a -- in a manner that I could tell the vehicle in
6 the ditch was -- was not going anywhere because the
7 passenger in the vehicle was actually in the driver's seat
8 and they had put it in drive and they were slinging mud up
9 all over the side of the vehicle attempting to -- it was
10 probably that far -- attempted to -- to pull away from the
11 scene.

12 I observed in my -- my side mirror. And as I was
13 turning the defendant exited the driver's seat of that
14 vehicle, run across the street away from the church and into
15 a wooded -- wooded area.

16 So what you're seeing kinda heavy with the radio
17 traffic here -- my number's 556 -- 556 -- and whenever
18 dispatch refers to 556, they're talking to me.

19 So I'm -- I'm watching him. I stopped for a second
20 when I got outta my car, told him to stop. It was apparent
21 to me that they -- the car can't go anywhere. It's stuck in
22 a ditch. So I watched the defendant run across, and I was
23 trying to keep my eyes on him, and I pursued after him from
24 there.

25 Q Okay.

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1 (Whereupon, the video was played for the jury.)

2 MR. SIPPEL: And, Your Honor, at this point the
3 majority of the rest of this film, the last four minutes,
4 is when Officer Wright is over -- or I -- the state would
5 like to stop this video at this point because the remainder
6 of the video is essentially just this silent footage.

7 THE COURT: Okay.

8 (Pause.)

9 Q So, Officer Wright, just to recap, what was the basis
10 for initiating that traffic stop?

11 A So several reasons. One, when he passed in front of
12 me, I observed the seat belt. When he made the right turn
13 he didn't -- he -- when he made the turn outta the gas
14 station, he didn't use his turn signal and didn't stop at
15 the red light on Hwy. 290 off South Main Street. He didn't
16 stop there.

17 Q Okay. And throughout the course of the pursuit did the
18 defendant stop or make any attempts to stop to your
19 knowledge?

20 A No, sir. There was one time that the defendant threw
21 something out on the interstate, and he kinda motioned. I
22 honestly assumed -- somebody in the vehicle kind of motioned
23 like they were going to stop, and then they didn't. They
24 didn't give any physical indication they were going to.

25 Q Okay.

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1 MR. SIPPEL: Your Honor, may the state approach the
2 witness?

3 THE COURT: Yes, sir.

4 MR. SIPPEL: Thank you.

5 Q Officer Wright, I'm handing you what's marked as
6 State's Exhibit 2. Do you recognize this?

7 A Yes, sir.

8 Q And can you tell the Court what this is?

9 A This is a video from my body camera that I was wearing
10 on my chest during the foot pursuit. Well, probably during
11 the chase too, but it was during the foot pursuit and the --
12 the -- not the vehicle camera -- what's on my chest, but I
13 have reviewed it.

14 Q Okay. And are there one or two videos on that?

15 A I believe there's two. Car and a foot chase. Yes,
16 sir. I think there's two. I'm not sure. I know we've
17 reviewed them.

18 Q Okay. And is that an accurate representation of what
19 happens on that day?

20 A Yes, sir.

21 Q Okay. And, again, you know this because you reviewed
22 and you initialed them?

23 A That's right, yes, sir.

24 Q All right. Thank you.

25 MR. SIPPEL: Your Honor, the state would like to admit

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1 State's Exhibit 2 into evidence.

2 MR. WARDER: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (C.D. marked State's Exhibit No. 2.)

5 MR. SIPPEL: Your Honor, the state would like to
6 present the -- publish State's Exhibit 2 for the jury.

7 THE COURT: You may.

8 MR. SIPPEL: Thank you.

9 BY MR. SIPPEL

10 Q Officer Wright, as you indicated, there's two videos on
11 this disc. I'm going to play the first one for you, which
12 is labeled car and foot chase.

13 A Yes, sir.

14 (Whereupon, the video was played for the jury.)

15 Q Now, Officer Wright, can you tell us what -- what's
16 happening at the beginning of this video?

17 A So, I'm actually -- you see my --

18 THE COURT REPORTER: Excuse me.

19 MR. SIPPEL: I apologize.

20 A I'm actually patrolling, jamming to a little Taylor
21 Swift, and I -- I make the turn on the right. You'll see my
22 steering wheel turn, and I turn onto Hwy. 290 and make a
23 U-turn back to where I tried to make that traffic stop on
24 85.

25 Q Okay. And would it be accurate to say that this video

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1 is in sync with the other video footage that we just saw but
2 it's from the camera that's on your person instead of the
3 one in your vehicle?

4 A It's -- it's closely in sync, but I have turn them on
5 at separate times, but it's an accurate representation of
6 what both cameras would be at the same time.

7 Q Okay. So at this point I'm going to skip ahead a
8 little bit to where you exit the vehicle or just before you
9 exit the vehicle.

10 (Whereupon, the video was played for the jury.)

11 Q Okay. Can you just reiterate for the Court what you
12 just said then?

13 A Yes. So we use ten codes. A lot of times it cuts down
14 on a lot of radio traffic when we're trying to communicate
15 amongst ourselves during the day-to-day operations. 10-80
16 for us means either you're 10-80 with a vehicle or 10-80 in
17 a foot pursuit. So that means that somebody's fleeing from
18 you.

19 So what I said there was in a sense and in layman's
20 terms I'm 10-80 on foot, the driver of the vehicle, means
21 I'm in a foot pursuit or about to engage in a foot pursuit
22 with the driver of the vehicle that's exited the vehicle
23 that I have been chasing into the wood line.

24 Q Thank you.

25 (Whereupon, the video was played for the jury.)

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1 Q All right. Officer Wright, what -- what did we just
2 watch or what's happening at this time?

3 A So when the defendant exited the driver's seat of the
4 vehicle he ran across the field to the left through the
5 briars and all of the junk in the field there.

6 It's kind of hard, again, for the video. It's kinda
7 hard to tell with the terrain level, but at the point where
8 I'm at right now there's a berm in between us. So if -- if
9 there was -- if we were standing, I would be on this side
10 and the jury was on the other side of that berm, there was a
11 little elevation raised. I could see over the berm, but I
12 had to go up the berm in order to get to the other side of
13 that.

14 I observed the defendant laying down and getting up
15 from an area on the right-hand side, and I was looking for a
16 clear path without getting injured through briars and stuff
17 to safely maneuver back to the other side of the berm to
18 attempt to take him into custody.

19 Q All right. Thank you.

20 (Whereupon, the video was played for the jury.)

21 Q Okay. Officer Wright, so can you just explain a little
22 bit what -- what we just saw?

23 A Yes, sir. So as -- as the -- the defendant was on the
24 other side of the berm when I -- when I crested the top of
25 the hill. I could see over the hill, I saw him knelt down

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1 half -- almost laying down and getting back up coming back
2 towards me.

3 So I'm -- I'm maneuvering myself to the other side of
4 the berm. It was easier access in case he ran again. But
5 it's kinda hard to tell from the video, but as he was coming
6 back to me his right hand was reaching down where his
7 waistband is, which is why I drew my service weapon and
8 ordered to the ground. I made the comment that I would
9 shoot him because I thought that honestly he was reaching
10 for a gun in his waistband.

11 Q Okay. And the person that you apprehend in this video
12 was -- was that the driver of the vehicle that you saw get
13 out?

14 A Yes, sir.

15 Q Okay. And do you see that individual in the courtroom
16 today?

17 A Yes, sir.

18 Q Can you please point him for the Court?

19 A Yes, sir. He's sitting right here beside.

20 MR. SIPPEL: Let the record show that Officer Wright
21 indicated that he was speaking about the defendant, Mr.
22 Hakeem Sexton.

23 Q And, Officer Wright, through your experience, ballpark
24 guess, how many people have you had flee from you?

25 A I -- I've had dozens of people run from me --

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1 MR. WARDER: Objection to relevancy.

2 THE COURT: Let me see you.

3 MR. SIPPEL: Your Honor, may we approach?

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 THE COURT: Ask the question again, please, sir.

7 MR. SIPPEL: Yes, Your Honor.

8 BY MR. SIPPEL

9 Q Again, Officer Wright, in your experience, how many
10 times have you had someone flee from you?

11 A I've had deveral -- several dozens of people flee
12 either in a vehicle or in a -- in a foot pursuit from me in
13 my law enforcement duty.

14 Q Okay. And, Officer Wright, of those several dozens,
15 how many have then stopped and given themselves up and come
16 to you?

17 A I don't really know a percentage, but typically when
18 people run from us they either run so long that we catch
19 them, we outrun them, or they fall, or we put a dog on them.
20 Typically, in my experience when people stop and give up,
21 and they start walking back towards us.

22 Q About how many times do you think this would have
23 occurred, someone just stopping and coming towards you?

24 A I can think of two in my career so far.

25 Q Thank you, Officer Wright.

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1 MR. SIPPEL: I'm going to resume the video at this
2 time.

3 (Whereupon, the video was played for the jury.)

4 Q Okay. Officer Wright, and at this point you're talking
5 to the defendant. What were you talking about?

6 A So as I was on the berm before I -- I made the left and
7 went to the other side where I actually went over the berm,
8 I -- I observed him messing -- messing around or rustling
9 around with some, like, leaves and pine needles and stuff
10 and what I appeared to be, like, it was stashing something
11 in -- in the area.

12 Q Okay.

13 (Whereupon, the video was played for the jury.)

14 Q And, Officer Wright, where you say -- could you explain
15 what you meant by that?

16 A So I -- I marked the location where I knew that I was
17 standing last so that I could deploy my dog into a manner
18 that was where I wasn't in a sense.

19 Q Okay. Thank you. And is that normal procedure?

20 A It is for -- for a canine handler, yes, sir, because
21 that excludes any odor from me -- my odor. Everybody has an
22 odor themselves. And when the dog is searching if I'm
23 having one in there, it excludes my odor and takes the
24 guesswork out of it.

25 Q Okay. Thank you.

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1 (Whereupon, the video was played for the jury.)

2 Q Officer Wright, what are you doing at this point?

3 A So I understand that that, and in this situation we
4 just pursued a car and we just chased a guy on foot and --
5 and he's in custody, but we're still human. So it's hot out
6 here. We've been running. We're all sweating. What I'm
7 doing now is cleaning out my front seat so that I can put
8 the defendant in my car safely so that he can get some air
9 conditioning and cool down for a second.

10 (Whereupon, the video was played for the jury.)

11 Q And, Officer Wright, at this point I'm going to play
12 the second video on this disc labeled B.W.C. two, dog
13 search.

14 A Sure.

15 (Whereupon, the video was played for the jury.)

16 Q Okay. Officer Wright, you said that, you know, you had
17 a canine. I believe you said you started being a canine
18 handler in September of 2020.

19 A Yes, sir.

20 Q During between September of 2020 and the date of this
21 incident, December 17th of 2020, did you work all of the
22 dogs, just one dog? Could you explain the process?

23 A Yes, sir. So the dog you just saw on the video is my
24 partner. That's Canine Chaos. And I -- as far as working
25 in a group training together, we work with multiple dogs,

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1 but I don't handle another dog. Chaos is my only dog and
2 I'm the only one that handles this dog on deployments and
3 training.

4 Q Okay. So this dog that we see in the video that's --
5 that is the dog that essentially was assigned to you.
6 You're partners. And that's the only other -- that's the
7 only dog that you would work with at that time.

8 A Yes, sir.

9 Q Okay. And what kind of training do you do for these
10 dogs before, you know, you take them out in the field? I
11 know you said that there was a lot -- there was some group
12 work, there was -- can you just explain the training?

13 A Sure. So the dogs -- when we get the dogs we go
14 through evaluation to see if we're going to keep the dogs.
15 My dog is a narcotics dog. We're going to do some tracking
16 with him. We started some tracking stuff. He's -- he's
17 only a narcotic dog now. I mean, he's nationally certified
18 through the N.N.D.D.A. with the certification. I mean, it's
19 up to date at the time of this video.

20 So my dog primarily detects narcotics really. And
21 what -- what we're certified in is methamphetamine, cocaine,
22 heroin and marijuana. That's the four others that we're
23 nationally certified in. And we as a team, but him in an
24 alert. If you actually -- can I speak some more on that, on
25 this?

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1 Q Yes, sir.

2 A So on this video if you actually notice, our dogs when
3 they get outta the vehicle, there's a lot going on right
4 now. He's in the back seat. My -- I have a full kennel in
5 the back seat.

6 So in the pursuit as we're having to drive to catch up
7 to the defendant the dog is sliding around. The dog's kind
8 of moving around a little bit and maybe hitting the side of
9 the car.

10 When we get him out and -- and our dogs want to go to
11 work. That's all they want to do. They just want to go to
12 work, find the odor and get their toy.

13 In this scenario when I get him out he actually starts
14 pulling straight to the -- the red car on the video, I
15 believe in it, because he was in a scent of a drug scent in
16 the vehicle. And we actually did find marijuana shake in
17 the -- in the floor though.

18 Q Okay. And I'm just going to go ahead and start playing
19 the video a little more.

20 (Whereupon, the video was played for the jury.)

21 Q Okay. Officer Wright, can you just tell the Court what
22 those commands were that you just did for Canine Chaos?

23 A Yes, sir. So -- so his search command is in German,
24 and I said soup, which is searched in English. That's what,
25 the command we use. And the seats is I'm telling him to sit

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1 down. Basically, I'm telling him to sit down. Typically,
2 what we do is we stop and sit first and then he knows he's
3 about to go search.

4 Q Okay. So what you just did, is that within -- is that
5 the normal procedure for beginning a search with a canine?

6 A Yes, sir.

7 Q Thank you.

8 (Whereupon, the video was played for the jury.)

9 Q Okay. Officer Wright, what does it mean when Canine
10 Chaos sits down?

11 A When -- when he sits after the search command it's an
12 alert. It's kinda hard. May I explain on that, sir?

13 Q Yeah.

14 A Kinda hard to see on the -- on the first time when I
15 said -- I said I got that, come on. I was telling him. He
16 sat down and alerted, and I was telling him I understand
17 that, let's go to the next one, because there was a
18 container, like a clear container, in the -- the -- there
19 was like a briar patch and there was container not on the
20 ground but, like, maybe half way over something. And there
21 was some green leafy substance that smelled like marijuana
22 in the -- in the bush there. And I believe he alerted to
23 that. And I told him I understand you found that, let's
24 continue on and see if we can find something else.

25 Q Okay. Okay. Now, you turned off your body-worn camera

Jared Andrew William Wright
Direct examination by Mr. Sippe]

1 after he sat down.

2 A Yes, sir.

3 Q Could you please explain why you did that?

4 A Yes, sir. So Canine Chaos was actually using the
5 restroom at this time, and I didn't feel that it was
6 pertinent to the video to have him just recording using the
7 restroom.

8 Q Okay. And did you turn back on right after he was done
9 using the bathroom?

10 A So actually -- he actually ran the search pattern after
11 he got done using the restroom, found three bags which ends
12 up being the evidence that we found.

13 Once we come outta the woods and find it we -- once
14 we're back on -- at the car after I recovered the narcotics
15 I -- I turned my camera back on. And there's a reason for
16 that if I may explain.

17 Q Yes, sir.

18 A So the -- the reason is I just forgot to be honest with
19 you. So I'm in this -- this situation. Adrenaline is
20 pumping. Right now is the time that -- that I have a
21 family. I have kids, and everything is kind of starting to
22 calm down. So we're kinda doing it methodically how we --
23 how we operate. In the heat of the moment and everything
24 going on, I just forgot to turn it back on. As soon as I
25 thought about it when I was handling narcotics in the back

Jared Andrew William Wright
Direct examination by Mr. Sippe1

1 of my patrol vehicle, I cut it back on.

2 Q Okay. And you said that he alerted. You found
3 multiple bags.

4 A Yes, sir.

5 Q Can you explain where those bags were found and
6 located?

7 A Yes, sir. So I don't know if we can go back or if it's
8 even relevant, but if you notice on the -- the forearm of
9 the defendant there's some mud and some scrapes on his --
10 his arms and near the sleeves area.

11 when I was -- when I was observing the defendant over
12 the berm and he was laid down it -- it appeared to me that
13 he was trying to cover something up or moving his arms
14 around a lot in that area where Canine Chaos alerted.

15 Once I moved the pine -- pine needles and -- and the
16 mud and the junk outta the way, I found the three bags. And
17 you could tell it was in this area that nobody walked in
18 this area and there was no disruption in the ground except
19 for the place where -- where the narcotics were revealed.
20 It was almost like somebody moved it and then put pine
21 needles to cover it back up.

22 Q Okay. So -- so what you're saying is that the
23 narcotics that were located were in the vicinity that you
24 saw the defendant.

25 A Almost exact -- exact location that I saw the defendant

Jared Andrew William Wright
Direct examination by Mr. Sippel

1 laying, yes, sir.

2 Q Okay. Thank you.

3 Now, I just want to go back to something.

4 A Sure.

5 Q In this video with you back in the woods, appears you
6 are talking to someone. Who else was back there?

7 A So that's -- I believe it's Sergeant -- now it's Matt
8 Watson. He works for the S.C.D.C., which is corrections.

9 Q Yeah. Okay. And at that time was he with the Duncan
10 Police Department?

11 A No, sir.

12 Q Do you know if everyone at S.C.D.C. has
13 body-worn-camera footage or body-worn cameras issued to
14 them?

15 A I have no idea. I know he did not have one on that
16 day.

17 Q Okay. So you're saying that Mr. Watson, the other
18 officer who was back there with you, did not have a
19 body-worn camera on his person at the time that this
20 occurred.

21 A To the best of my knowledge, he did not have one, yes,
22 sir.

23 Q Okay. Thank you. Now, Officer Wright, going back to
24 the drugs a bit. How many bags were located?

25 A Three.

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Direct examination by Mr. Sippel

1 Q Three bags?

2 A Yes, sir.

3 Q Okay. And of the three bags that were located were any
4 of them field tested?

5 A Yes, sir. At -- on the back of my patrol car on -- at
6 my patrol car -- might have been the hood actually -- on --
7 at the front of my patrol car we put all of them out and we
8 were trying to figure out what they were and -- and see if
9 we could safely test them at that location.

10 Q Okay. And did you take any photographs of the scene or
11 of the evidence during this incident?

12 A I did, yes, sir.

13 Q Okay.

14 MR. SIPPEL: Your Honor, may the state approach?

15 THE COURT: Yes, sir.

16 Q Officer Wright, I'm handing you what's been marked as
17 State's Exhibits 4, 5 and 6. Will you please tell the Court
18 what these are?

19 A Yes, sir. These are photographs that I took of the
20 narcotics that were recovered right where the defendant
21 was -- was sitting. These are pictures from on -- on my
22 patrol vehicle.

23 Q Thank you, Officer Wright.

24 And did you personally take these photos?

25 A Yes, sir.

Jared Andrew William Wright
Direct examination by Mr. Sippe

1 Q Thank you.

2 MR. SIPPEL: Your Honor, the state would move to admit
3 these photos into evidence as State's Exhibits 4, 5 and 6.

4 MR. WARDER: That will be fine, Your Honor.

5 THE COURT: They're admitted.

6 (Photographs marked State's Exhibits Nos. 4, 5 and 6.)

7 MR. SIPPEL: Thank you, Your Honor.

8 The state would move to publish them to the jury.

9 THE COURT: You may.

10 Q Now, Officer Wright, could you explain how -- or can
11 you explain the process of bringing -- you know, what would
12 you do with the drugs after you've recovered them at the
13 scene? Can you just explain that for us?

14 A Yes, sir. So I -- my job is to secure the evidence,
15 make sure everybody's safe from it, secure it in -- in the
16 best way we can where it doesn't get tampered with or
17 altered with and it's in my custody the whole time until I
18 arrived to the Duncan Police Department where we have -- we
19 call it a drop box. But what it is is it's an open secured
20 box that we -- once we take the -- the drugs from whatever
21 package location it was, we put it into a -- it's a plastic
22 bag. It's heat sealed on both sides. So if you can imagine
23 a -- a zip-lock bag with no -- no zip-lock at the time, I
24 guess, it's we do an open bag. We log it with date and
25 time, case number. Then we heat seal it.

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1 So it's basically an open plastic bag. We heat seal
2 it. I initial both sides of it time, date, where it was
3 over the heat seal so that if it's ever altered you can see
4 that it's been opened. And then the narcotics are placed in
5 it. Same -- same thing. I heat seal it on top.

6 I sign my name. I date it. I timestamp it. And then
7 I put it in -- in the secured drop box so that our evidence
8 technician can take it outta the drop box. That way it --
9 nobody can access to it until -- once I drop it in the drop
10 box nobody has access to it until the evidence technician
11 gets it.

12 Q Okay. And did you do that in this case with the drug
13 or with the bags of suspected narcotics that were recovered
14 at the scene?

15 A I did. Yes, sir.

16 Q Okay. One moment.

17 A Can I add to that too, sir?

18 Q Yes. I'm sorry.

19 A Not only is it -- is it what I sign today in the
20 physical. We actually have to enter it into the computer
21 too so that it -- it matches timestamped and date. So that
22 way there's -- there's no -- there's no way you can mess up
23 in the sense. It's double -- double work for us so we can
24 cover ourself.

25 Q Okay. So, Officer Wright, you indicated that you

Jared Andrew William Wright
Direct examination by Mr. Sippe

1 brought these drugs to the drop box.

2 A Yes.

3 Q Was it that same day?

4 A Yes, sir.

5 Q Okay. And, again, you said that's heat sealed.

6 would -- would you have known -- or were you in possession
7 of the drugs from the time of the incident until you dropped
8 them off at that drop box?

9 A Yes, sir.

10 Q Okay. And no one to your knowledge had tampered with
11 them, because you were in possession of them, correct?

12 A Correct. I would have known if they had. No, sir.
13 They were not.

14 Q Okay. And, again, you put them in a heat-sealed
15 tampered container?

16 A Yes, sir.

17 Q So when they were dropped off at the Duncan Police
18 Department they wouldn't have tampered with them after that.
19 It would have been -- it would have been known because it
20 was your initials on it?

21 A Correct.

22 Q Okay.

23 A That's part of the checks and balances too.

24 Q And, Officer Wright, when you drop these off at the
25 drop box, do you complete anything? Do you fill anything

Jared Andrew William Wright
Direct examination by Mr. Sippe]

1 out to show that you've done this?

2 A Yes, sir. So there's a -- a form that we fill out. We
3 go into the computer, enter whatever the weight and the --
4 the -- the description of the item. It goes into the
5 computer and we -- we print that out and I sign -- I sign
6 the form. I timestamp it and date it. And I put it in our
7 evidence tech's box and I attach the evidence sheet that I
8 sign with the -- the actual evidence itself.

9 So it's either stapled, or sometimes it's paper-clipped
10 to the evidence so that she knows, or he. In our case it's
11 a she. She knows that it's the -- the form that I just
12 filled out is attached to this, and what date and what time,
13 and there's no missing.

14 Q Okay. Thank you.

15 MR. SIPPEL: Your Honor, may I approach?

16 Q And, Officer Wright, after you secured the contents --
17 after you secured the narcotics and everything and you
18 finished up at the scene, who transported the defendant from
19 the scene?

20 A I transported the defendant from the -- the scene to
21 the jail. Yes, sir.

22 Q Okay.

23 MR. SIPPEL: Your Honor, may I approach the witness?

24 Q Officer Wright, do you recognize what I just handed
25 you, which is labeled as State's Exhibit 3?

Jared Andrew William Wright
Direct examination by Mr. Sippel

1 A Yes, sir.

2 Q And could you please tell the Court what that is?

3 A This is a video that I reviewed before today, and it's
4 my in-car camera from the scene to the detention center.

5 Q Okay. And how do you know this? How do you know that
6 that's what that disc is?

7 A I -- I reviewed this specific one. I initialed it
8 right there.

9 Q Okay. Thank you.

10 MR. SIPPEL: Your Honor, the state moves to admit
11 State's Exhibit 3 into evidence.

12 THE COURT: He is offering No. 3 into evidence. Do
13 you have any objection?

14 MR. WARDER: No, sir.

15 THE COURT: It's admitted.

16 MR. SIPPEL: Thank you, Your Honor.

17 (D.V.D. marked State's Exhibit No. 3.)

18 MR. SIPPEL: May I publish it for the jury? Thank
19 you.

20 (Whereupon, the video was played for the jury.)

21 Q Okay. Officer Wright, can you just tell the Court who
22 are the two people in the vehicle in this video?

23 A There -- there are two people. This is my patrol
24 vehicle. There's a camera, my in-car camera, that you saw a
25 little while ago. It was recording the pursuit.

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1 It's turned around now facing myself and the defendant,
2 and my dog is in the back seat.

3 Q Okay.

4 (Whereupon, the video was played for the jury.)

5 Q Okay. So, Officer Wright, what -- what's happening
6 right now, or where are you and the defendant?

7 A So we left the scene where the vehicle, his vehicle,
8 was, and we're traveling to the Spartanburg County Detention
9 Center.

10 Q Okay. And you two were just talking about, you know,
11 essentially what happened.

12 A Yes, sir.

13 Q And you inferred that he was driving, correct?

14 A Yes, sir.

15 Q At any point did he deny driving the vehicle?

16 A Not that I recall, no, sir.

17 Q And at least until or at this point, right?

18 A Can I explain a little bit on that too?

19 Q Of course.

20 A One of the things we're doing is when I take you to
21 jail, I'm human just like everybody else is human. We're --
22 we're all children of God and we were created. We're --
23 we're all kind of the same mindset. Right. So if you'll
24 make mistakes, I get it. What I'm trying to do here is talk
25 to him and figure out what the issue is.

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Direct examination by Mr. Sippel

1 Our job in my belief is, as a police officer, is not to
2 just -- just hammer, take him to jail. If we can change the
3 behavior or help people and save their lives, we've got drug
4 overdoses every day. If we can get somebody in a program or
5 get somebody some help, the amount of family that it affects
6 is astronomical. That's what I'm trying to do here.

7 (Whereupon, the video was played for the jury.)

8 Q Okay. Officer Wright, again, we're talking at the
9 time. Explain the process, what's going on, everything,
10 what he is charged with. Again, failure to stop. Does he
11 ever object, say that he's not, you know, he wasn't the
12 driver, ever give any indication that he wasn't the person
13 driving that vehicle?

14 A No, sir. Not only did he not object to it. He
15 actually says in the video I understand that I am being
16 charged with failure to stop and the reason I ran is because
17 I only run from Wellford.

18 (Whereupon, the video was played for the jury.)

19 Q Okay. And can you just review for the Court what the
20 defendant just stated?

21 A It's my understanding that he's trying to convey to me
22 that -- that he didn't see me as far as being the police
23 behind him until he was at -- got off the off-ramp onto Hwy.
24 101. And the Burger King is on down Hwy. 101 just a little
25 bit. So, and my understanding was what he's trying to say

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Direct examination by Mr. Sippe1

1 that I didn't see you until I got off, off the off-ramp, and
2 went around the red light and then I was able to --

3 MR. WARDER: I object to this, his interpretation,
4 what by client said. We can hear what he said fine.

5 THE COURT: Well, he was in the car. That's what he's
6 testifying so. So overrule the objection.

7 (Whereupon, the video was played for the jury.)

8 Q Okay. That's it.

9 Now, Officer Wright, let me ask you a few more
10 questions.

11 Now, is there, or at the time of this incident was
12 there, a policy or requirement at the Duncan Police
13 Department that officers have their B.W.C., their body-worn
14 cameras, on at all times during all incidents?

15 A The policy at the Duncan -- at our police department is
16 that when you interact with the public you -- you need to
17 wear -- you need to activate your camera so that we can
18 record interaction with the public.

19 Q Okay. But is there a requirement that -- you know,
20 that it remain on at all times or --

21 A No, sir.

22 Q Okay. And at the time of this incident did everyone in
23 the Duncan Police Department -- were they all issued
24 body-worn cameras?

25 A I -- I don't know that, sir.

Jared Andrew William Wright
Direct examination by Mr. Sippe1

1 Q Okay. And just to reiterate, were you the individual
2 who began this pursuit?

3 A Yes, sir.

4 Q Okay. And you located the drugs?

5 A Yes, sir. Me and my dog Chaos. Yes, sir.

6 Q But you physically collected the drugs.

7 A Correct, yes, sir.

8 Q And you physically brought the drugs to the Duncan
9 Police Department.

10 A Yes, sir.

11 Q And once you did that they were placed in the drop box,
12 and that is according to your policy.

13 A Yes, sir.

14 Q Okay. Thank you.

15 MR. SIPPEL: No further questions at this time from
16 the state.

17 Q Please answer any questions the defense has for you.

18 A Sure.

19 THE COURT: Before you do that we're going to take a
20 break.

21 So I'll ask the jury to please go to your jury room.
22 Remember what I said earlier. You can't talk about the
23 case until deliberations take place. So any time we take a
24 break -- now, lunch, whatever -- you can't talk about the
25 case with anybody. You can only do that during

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 deliberations.

2 So please retire to your jury room. We're going to
3 take a short break, and I'll bring you back to continue
4 with the examination of this witness.

5 (The following takes place outside the presence of the
6 jury.)

7 THE COURT: You can step down.

8 During the break you can't talk to anybody about your
9 testimony because you're still on the witness stand.

10 THE WITNESS: Yes, sir.

11 THE COURT: We will be at ease for 15 minutes.

12 (Whereupon, a recess was taken.)

13 THE COURT: All right. Are we ready for the jury?
14 Bring them in.

15 (The following takes place in the presence of the
16 jury.)

17 THE COURT: All right. As you know, the state has
18 concluded with their direct examination. So we're now
19 going to proceed with the cross-examination by defense
20 counsel.

21 Mr. Warder.
22
23
24
25

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 CROSS-EXAMINATION

2 BY MR. WARDER

3 Q Officer, did you tell us that you saw a seat belt
4 violation and that's why you stopped the car?

5 A That was one of the main reasons, sir.

6 Q Okay. And that seat belt was the very first thing you
7 seen?

8 A Well, I saw the vehicle first, yes, sir.

9 Q Okay. You wrote a report on December 17th the --
10 detailing your actions on -- on that, is that right?

11 A Are you asking did I do the report on December 17th?

12 Q Yes.

13 A Yes, sir.

14 Q Do you know whether you mentioned the seat belt in
15 there or not?

16 A I don't -- I don't -- the reason for the stop when I
17 saw him in the mirror was when he ran -- there was a red
18 light behind me.

19 Q Okay. So didn't mention it in there anyway.

20 A I -- I can't recall if I wrote it in my report maybe.

21 Q But you mentioned it today because you remembered that
22 that's why -- one of the reasons you stopped him.

23 A Yes, sir. I did mention it today. Yes, sir.

24 Q Okay. And in the video you -- you tone your -- you
25 have a command for your dog that to sit down.

Jared Andrew William Wright
Cross-examination by Mr. Warder

- 1 A Yes, sir.
- 2 Q And then you have a command for him to search.
- 3 A Yes, sir.
- 4 Q And they're very similar?
- 5 A Kind of. They're -- they're in a different language,
6 so I don't understand the -- the -- how close they are in
7 similarity. But there are different words for different
8 commands, yes, sir.
- 9 Q Okay. If they sound alike does your dog sometimes get
10 them confused?
- 11 A No, sir.
- 12 Q So he doesn't ever sit when you say search?
- 13 A No, sir. Not until he alerts on the narcotics that we
14 are certified in.
- 15 Q Okay. In this particular case we -- we had a video of
16 you and my client in the car riding to the Spartanburg jail,
17 and he denied consistently that that was his narcotics. So
18 from the very first incident all the way there he said not
19 mine, is that right?
- 20 A I believe so.
- 21 Q Okay. And he did it one time. Didn't he say I was the
22 driver, I did that, but it wasn't my drugs?
- 23 A I don't understand your question.
- 24 Q He consistently said it wasn't my drugs.
- 25 A Yes, sir.

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 Q He admitted that he was the driver of the car.

2 A I believe so, yes, sir.

3 Q You believe so. You don't know it?

4 A I mean, I think. I'm pretty certain that he did, yes,
5 sir. It was on the video, sir. I think we saw the same
6 one.

7 Q Now, there's no question that there's a 10-minute gap
8 in there after you turn your camera off.

9 A I don't know the timeframe, no, sir.

10 Q Okay. And that's when you found the drugs.

11 A Well, me and my partner Chaos, yes, sir.

12 Q You and the dog.

13 A Yes, sir.

14 Q Okay. The very most important thing in this case is
15 the drugs as far as evidence, wouldn't you say?

16 A I don't know about the very most important, but that is
17 an important piece, yes, sir.

18 Q Well, it's the basis of a whole charge, isn't it?

19 A Well, it -- before we found the narcotics, sir, we --
20 we had a pursuit and that's --

21 Q Okay. But -- but if you talking about the narcotics
22 case, the narcotics is the most important thing.

23 A I would say it's important, yes, sir.

24 Q And you and -- and the dog are out there, and you shut
25 your camera off.

Jared Andrew William Wright
Cross-examination by Mr. Warder

- 1 A Correct.
- 2 Q Is that right?
- 3 A Correct.
- 4 Q Okay. And you shut your camera off before you can see
- 5 the drugs.
- 6 A Correct.
- 7 Q And so if I said you -- you turned it off before the
- 8 most important part of the evidence, that'd be absolutely
- 9 true, wouldn't it?
- 10 A In your opinion, I believe so. That's not my opinion,
- 11 sir.
- 12 Q Well, but it describes the actions accurately, is that
- 13 right?
- 14 A I believe that would be your opinion, sir.
- 15 Q Okay. And the -- the drugs were found, you said, after
- 16 a container was found that smelled like marijuana.
- 17 A Yes, sir.
- 18 Q Have any marijuana in it?
- 19 A Can I clarify that, sir?
- 20 Q Yes, sir.
- 21 A The -- the drugs were found. Both of them were drugs,
- 22 and they were both found in the area, yes, sir.
- 23 Q Okay. How big of an area?
- 24 A I'm not really sure. Maybe -- would you like me to
- 25 guess?

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 Q No. I don't want you to guess. I want you to know.

2 Or if you remember, I want you to tell me but...

3 A I didn't measure it, sir.

4 Q Well, is it an area bigger than this courtroom?

5 A From -- I don't understand what you're referencing.

6 From where I was at until I found the drugs?

7 Q Yeah.

8 A It was -- if I had to guess, from here to the bench, or
9 maybe from me to Mr. Sexton away.

10 Q Okay. Now, when you -- you found the drugs did you put
11 them in your pocket? What did you do?

12 A No, sir. I held them in my hand and took them over to
13 my patrol vehicle.

14 Q Okay. Did you give them to another officer over there?

15 A There were officers there to assist us. I was with
16 them, I believe, the whole time. I was at the vehicle, yes,
17 sir.

18 Q Okay. And -- and you -- you stopped the car. What
19 time of day was it?

20 A I think, if I remember correctly, it was like
21 10:00 o'clock in the morning, almost 11:00 o'clock in the
22 morning.

23 Q Okay.

24 A It was like ten hundred before lunch.

25 Q And you went to the -- the -- what time did you get to

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 the law enforcement center? Do you have any idea?

2 A I don't know, sir. I was working that shift.

3 Q Okay. And how long did it take to drive from that
4 scene to the law enforcement center?

5 A Are you referring to the Duncan Police Department or
6 the Spartanburg County Jail?

7 Q Spartanburg County Jail.

8 A I'm not sure. From there if I had to guess, and it's
9 totally a guess, 15 or 20 minutes maybe at the most.

10 Q Okay. And during that 20 minutes the defendant
11 consistently denied that those were his drugs.

12 A Yes, sir.

13 Q And you tried to strike up a friendly conversation with
14 him, you said.

15 A It -- it was more -- more than just a friendly
16 conversation. It was a -- I was looking for an opportunity
17 to -- to help change somebody's life that I believed was
18 selling drugs.

19 Q No evidence this fellow was selling any drugs, is
20 there?

21 A I mean, with the evidence at the scene we just had, I
22 believe so.

23 Q Okay. So no pictures of it, 10-minute gap and
24 consistent denial from the defendant. Would that be kind of
25 a quick summary of what you got?

Jared Andrew William Wright
Cross-examination by Mr. Warder

1 A I mean, that is accurate. I don't believe that's the
2 whole summary, the whole scene, but that did happen.

3 Q Okay. And when the dog was given the command out there
4 to -- to search -- to search did he go sit down right away?

5 A When he -- he alerted to the odor of the marijuana on
6 the left side, he did sit down, yes, sir.

7 Q Okay. And did you go down there to where he sat down?

8 A He was in front of me. I was with him at the time.

9 Q Okay. What -- what next happened then?

10 A I advised him to continue searching in the area where
11 we were at.

12 Q Okay. Okay. Was your camera running at that time?

13 A It was.

14 Q Okay. And he continued to search for a while?

15 A I'm -- I'm not sure what timeframe you put on a while.

16 Q Well, how long was it before you shut your camera off?

17 A I don't know the exact timeframe. I do know from the
18 time that -- that he sat first and then when -- if we
19 remember, if we back up the video, when my dog got outta the
20 car the first time he kinda made a beeline and went back
21 towards the car that -- that we found the marijuana shake in
22 it.

23 This time at the berm my dog made a beeline over where
24 the marijuana was found in the bush and then he -- he tries
25 to pinpoint. Canines use each side of their nostril

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Cross-examination by Mr. Warder

1 differently than humans do. So he can tell which direction
2 like an odor is.

3 So if you ever see a dog tracking or smelling and he
4 turns, it's because his receptor's in the right side of his
5 nostril turned where he knows that the scent is more that
6 way.

7 So in this scenario before I turned the camera off, he
8 was smelling. I'd already told him, hey, that's good, keep
9 searching. And he made the right turn approximately where
10 Mr. Sexton was laying at and what I thought was covering up
11 something. He went to that direction.

12 Q Okay. And you said you told him to turn.

13 A I told him to search.

14 Q Okay. Didn't tell him to turn.

15 A I told him to search.

16 Q Okay. And how far were the drugs from where Mr. Sexton
17 was?

18 A I don't know approximately. From where he was laying,
19 are you asking, sir?

20 Q Well, whenever you found the drugs.

21 A If I understand your question correctly, sir, are you
22 asking me how far were the drugs from where I observed Mr.
23 Sexton the first time laying down?

24 Q Yeah.

25 A Maybe a foot or less.

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Cross-examination by Mr. Warder

1 Q Okay. And you didn't -- didn't take a picture. None
2 of those pictures show it?

3 A I didn't at that time, no, sir. Actually, I think
4 during that time my phone was in the car. We just got in
5 the vehicle pursuit. I exited my car rather quickly and I's
6 chasing through woods. I'm pretty sure --

7 Q You have -- you have a camera right on you.

8 A Correct. Yes, sir.

9 Q And you just --

10 A It takes a video, yes, sir.

11 Q Just push a button and it takes a picture that'll show
12 it.

13 A You actually hold down the button on the side and it --
14 and it activates it, yes, sir.

15 Q Well, you can turn it on so it runs by itself, don't
16 you, where you can do other things, use your hands?

17 A Without touching it, yes, sir.

18 Q So -- so it could be a camera that would be on, and you
19 could still do everything that you normally do.

20 A For the most part, sure, yes, sir. It's a hands-free
21 device if that's what you're asking me.

22 Q Yeah.

23 A Yes, sir.

24 Q Yeah. Hands free. And you turned the hands-free
25 camera off for what reason?

Jared Andrew William Wright
Redirect examination by Mr. Sappel

1 A Well, as I explained before, I didn't see a relevancy
2 to the -- the dog using the restroom in -- in that aspect.
3 So sometimes what we do also is there's a lot going on at
4 the scene, and we -- we turn our cameras off to have officer
5 discussion to make sure that we're serving the public in the
6 correct way.

7 There's several different laws, several different
8 charges, several different scenarios that -- that we can,
9 you know, kinda cipher through the situation with.

10 The last thing I want to do is charge somebody with
11 something that's -- that's not on them. I don't want to put
12 anything on them. So what I do is we confer and we talk to
13 people so if the evidence is there and it's -- and it's
14 probable cause, probably theirs, then we make the charge. I
15 don't make bad charges.

16 Q You don't make bad charges.

17 A Correct.

18 Q Well, you don't give all the pictures, do you?

19 A I don't understand what you're saying, sir.

20 Q You don't take pictures of the evidence, do you,
21 always?

22 A Do I always take pictures of the evidence? A majority
23 of the time. I'm sure I probably missed one before.

24 Q So you didn't. And this one you missed because you
25 shut the camera off.

Ma'leah Rae Teter
Direct examination by Mr. Sippe

1 A Correct, and forgot to turn it back on.

2 Q Thank you.

3 MR. SIPPEL: Just very briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. SIPPEL

6 Q Officer Wright, again, is there any requirement that
7 requires -- or is there anything that requires by the Duncan
8 Police Department that everything, every aspect of an event,
9 be captured on body-worn camera footage?

10 A No, sir.

11 Q Okay. And, again, you previously indicated drugs were
12 located in a close vicinity to the defendant's location.

13 A Yes, sir.

14 Q Okay. And, in fact, you did take photographs of the
15 drugs, just not in the woods. You -- those were admitted
16 into evidence as Exhibits 4, 5 and 6, correct?

17 A Correct. And I can -- can I explain on the woods a
18 little bit more?

19 Q Yes. Of course.

20 A So the way that -- they way we found the -- the
21 narcotics where Mr. -- the defendant ran, there was a church
22 across the street and then the wooded lot with a very long
23 distance from -- from the woods to another facility. So
24 that wooded lot was across from the church.

25 This was a Thursday afternoon, so, and it had rained

Maleah Rae Teter
Direct examination by Mr. Sippe1

1 the night before and even into early morning. So the ground
2 was super soft, super wet.

3 where we were at, there was no disruption that I could
4 tell at -- in the -- in the wooded line or in the wood line
5 or into the woods at all except for the fact where I saw the
6 defendant laying and where he walked in at and then once we
7 entered that wood line.

8 Q okay. Thank you.

9 MR. SIPPEL: Nothing further from the state, Your
10 Honor.

11 THE COURT: You may step down.

12 MR. SIPPEL: Your Honor, the state would call Maleah
13 Teter. She's an officer with the Duncan Police Department.
14 She was previously Alewine. She's referred to.

15 MALEAH RAE TETER, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. SIPPEL

18 Q Good afternoon, Ms. Teter.

19 A Good afternoon.

20 Q Could you please state your name and spell it for the
21 Court?

22 A First name is Maleah, M-A-L-E-A-H, middle name Rae,
23 R-A-E, last name Teter, T-E-T-E-R.

24 Q Okay. And at the time of this incident back in
25 December '20, December 17th of 2020, what -- did you have

Maleah Rae Teter
Direct examination by Mr. Sippel

1 the same name that you currently have?

2 A No, sir. My last name was Alewine.

3 Q Okay. Could you spell that for the Court?

4 A A-L-E-W-I-N-E.

5 Q All right. And where are you currently employed?

6 A Duncan Police Department.

7 Q And what is your role with the Duncan Police
8 Department?

9 A I am the evidence tech, the chief's administrative
10 assistant and the desk officer.

11 Q Okay. And could you just explain some of your duties?

12 A I answer the phones; I take walk-in reports if somebody
13 comes in, walks in; and I'm over all of the evidence that
14 the officers bring in and drop in the drop box or the
15 lock -- the lockers.

16 Q Okay. And at the time of this incident did you have
17 the same role?

18 A Yes.

19 Q Okay. Thank you.

20 So you just walk us through. What happens when
21 evidence is dropped off at the drop box?

22 A So once the officers do their bagging of the evidence,
23 they place it in a drop box that's located at the police
24 department.

25 Once the evidence goes in the drop box, it drops it

Maleah Rae Teter
Direct examination by Mr. Sippel

1 directly into the evidence room. I am the only person who
2 has access to the evidence room, and so I will go in. I try
3 to do it every day that I work. Sometimes I'm behind on
4 other paperwork, so it takes me a couple of days to get to
5 it. But I'll go in and I'll take it, and then I'll log it
6 into the computer where I'm going to place it.

7 If it's narcotics, inside the evidence room there's a
8 narcotic locker that I'll put it in. If it's D.N.A., we
9 have a place for D.N.A. There's just a different section in
10 the evidence room for different things.

11 Q Okay. Thank you.

12 And do you recall handling the narcotics that were --
13 that are involved in this incident after they were dropped
14 off at that drop box?

15 A It would have been me. And one of the first things I
16 do when I take the evidence out is I always doublecheck and
17 make sure that it is still signed and dated by the officer.
18 I make sure they've got the case number, their name, the
19 date, their signature on the actual heat seal where they
20 press it, and the date on that as well, and what items are
21 actually in that specific envelope or heat-sealed plastic
22 bag.

23 Q Okay. Thank you.

24 And what do you do if it does look like something has
25 been tampered with?

Maleah Rae Teter
Direct examination by Mr. Sippel

1 A I will immediately notify the supervisor and let them
2 know that we need to get the officer about it.

3 Q Okay. So those wouldn't still be sent away for
4 testing.

5 A No. They would not.

6 Q Okay. Thank you.

7 And the narcotics involved in this incident, you said
8 that you would have been the one to take them from the drop
9 box. Can you confirm that you did, in fact, take these from
10 the drop box?

11 A Yes. I did.

12 Q Okay. And what do you do -- is there any sort of paper
13 trail or anything like that when you move them from one
14 place to another?

15 A Yes. So when the officer drops the evidence in the
16 drop box, they also drop with it a chain of custody that
17 Officer Wright was explaining that they do on the computer.

18 Once it goes in the drop box with that chain of
19 custody, when I take it out of the drop box I also sign that
20 I took it and that I'm processing it for intake. And I also
21 date and time it as well.

22 Q Okay. And so once you sign for intake, does anyone
23 else have access to it until you take it where it needs to
24 go?

25 A No.

Maleah Rae Teter
Direct examination by Mr. Sippel

1 Q Okay. And so in this case were the narcotics -- were
2 they still heat sealed? Did it look like there were any
3 tampers with them?

4 A No. They were still heat sealed.

5 Q Okay. And I apologize. I'm going to break that
6 question up in two. Were they still heat sealed?

7 A Yes.

8 Q Was there any evidence that there had been any tampers?

9 A No.

10 Q Okay. So at that point you take them into intake. And
11 then what do you do with them next?

12 A So once I take them out and I mark that I'm putting
13 them in for intake, I'll go with the computer. And in the
14 computer I will log where I'm putting them, which is in the
15 narcotics locker. And then I'll put them in the narcotics
16 locker.

17 When I'm done with that I will then fill out a prelog
18 form for Greenville County Sheriff's Office, which is where
19 we take our general sessions drugs to be tested.

20 So I fill out that prelog, and then I'll email the P
21 and E down there. And once they send me back that they have
22 been prelogged, then I will schedule a time to go down there
23 and drop those off to be tested.

24 Q Okay. And I'm just going to back you up a second.

25 You said the P and E down there. Could you -- what

Maleah Rae Teter
Direct examination by Mr. Sippel

1 does P and E stand for?

2 A Property and evidence.

3 Q Okay. So you're saying you take them. You put them in
4 a locker. You put it in the system and let Greenville know
5 that you guys have them so they can prelog them?

6 A Correct.

7 Q Is that recordation?

8 A Yes.

9 Q Okay. And did you, in fact, do that in this case?

10 A Yes, sir.

11 Q Okay. And, again, after you put them into that locker
12 does anyone else have access to them aside from you until
13 you take them over to Greenville?

14 A No, sir.

15 Q Okay. And did you, in fact, take these -- take the
16 narcotics in this case over to the Greenville County
17 Sheriff's Office for testing?

18 A Yes, sir.

19 Q Okay. And when you did that, again, concerning paper
20 trail, what's -- what's the protocol?

21 A Yes, sir. That same P and E sheet that Officer Wright
22 dropped in the drop box that I signed when I took it in for
23 intake, I will also sign that I am sending it off to be
24 tested at Greenville County. I will date and time when I
25 took it or taken it out to be sent down to Greenville

Kathy Lance
Direct examination by Mr. Sippe1

1 County.

2 Q Okay. And, again, did you follow that protocol in this
3 specific case?

4 A Yes, sir.

5 Q Okay. And once you dropped them off at the Greenville
6 County Sheriff's Office -- or let me back up. I apologize.

7 Before you took them or when you took them from the
8 locker until you dropped them off at the sheriff's office,
9 did you notice any signs of tamper? Was the heat seal
10 broken? Was there any signs that something had gone wrong
11 or that these narcotics had been tampered with?

12 A No, sir. And when I do take them, the narcotics, to
13 Greenville, they also check the heat seal and make sure that
14 they're still intact and dated and signed as well.

15 Q Okay. So the narcotics in this incident were taken by
16 you to the Greenville County Sheriff's Office and had not
17 been tampered with.

18 A Correct.

19 Q All right. Thank you.

20 MR. SIPPEL: Nothing further from the state.

21 MR. WARDER: Your Honor, may it please the Court. I
22 have no questions of this witness.

23 THE COURT: Thank you. You may step down.

24 MR. SIPPEL: Your Honor, may this witness be excused?

25 THE COURT: She may be.

Kathy Lance
Direct examination by Mr. Sippe1

1 (Whereupon, the witness was excused.)

2 MR. SIPPEL: And may Officer Wright be excused as
3 well?

4 THE COURT: He may be.

5 (Whereupon, the witness was excused.)

6 MR. SIPPEL: Thank you, Your Honor.

7 Your Honor, the state would next call Kathy Lance with
8 the Greenville County Department of Public Safety.

9 KATHY LANCE, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. SIPPEL

12 Q Good morning, Ms. Lance.

13 A Good morning.

14 Q Could you please state and spell your name for the
15 record?

16 A My name is Katherine Lance. Kathy, Katherine,
17 K-A-T-H-E-R-I-N-E. LANCE, L-A-N-C-E.

18 Q Thank you.

19 Could you please tell the Court where you work and what
20 your role is there?

21 A I work for the Greenville County Sheriff's Office,
22 which is the deputies, and also the Greenville police
23 department. We also do other agency testings for D.N.A.,
24 the drug lab also.

25 Q Thank you.

Kathy Lance
Direct examination by Mr. Sippel

1 And can you just walk us through some of your duties
2 over there in that role?

3 A I'm the first person that comes in in the morning. I
4 work from 7:00 o'clock until 3:30. And so I'm the one who
5 takes the evidence from the drop box or from the lockers.
6 Everything is done by camera. Everything we do is the
7 integrity is protected by cameras watching everything that's
8 done.

9 So we take that out and bring it in. This is for the
10 county and the police department. And we take things from
11 over the counter. We take things outta the drop box or
12 lockers in the morning and put all of those in. And that's
13 put in for the integrity if the paper -- P and E sheet,
14 property and evidence. All that's taken care of for the
15 officers. And then we store that for the times that it
16 comes back for court, for the investigators to take it to
17 the court.

18 Q Thank you.

19 So I notice that everything is, you know, video, you
20 know, everything is on footage or security and everything.

21 Are there any other protocols when things are dropped
22 off that you do to, you know, make sure that they haven't
23 been tampered with or anything like that?

24 A Once we take things outta the drop box or the locker
25 and we're putting them into the computer, we also have

Kathy Lance
Direct examination by Mr. Sippel

1 protocol, as other agencies do, where things have to be
2 sealed, has to have the case number, the date, the initials
3 and the item number listed inside a heat seal with the
4 drugs, whether they're in a plastic baggie or paper or
5 whatever it is.

6 There are certain protocols. And then we -- that --
7 all that has to match up with the P and E sheet that the
8 officer turned in. And then all of that is placed into the
9 computer, and it's sealed either in an envelope or a bag or
10 a box, however large the item is.

11 And then we have certain places. We have vaults for
12 the money, vaults for the drugs, vaults for guns. We have
13 places for general evidence for things that are not to be
14 protected like money or jewelry or things like that. And it
15 goes onto the shelf, and it sets there until investigators
16 come to check it out or look at it or take it to court.

17 Q Thank you.

18 Do you recall if you were the one who received the
19 narcotics involved in this incident?

20 A I don't remember 2020 as it was as of yesterday, but I
21 go by chains of custody because every time something is
22 touched or moved or looked at or viewed by solicitors or
23 anything, everything is done by computer and this chain of
24 custody.

25 Q Would it refresh your memory to see the chains of

Kathy Lance
Direct examination by Mr. Sippe1

1 custody involved in this incident?

2 A It would.

3 MR. SIPPEL: Your Honor, may I approach the witness?

4 THE COURT: You may.

5 (Pause.)

6 Q Now, Ms. Lance, there were three separate baggies of
7 narcotics involved in this incident. Did you -- were you
8 the one that signed for the intake of them --

9 A I was.

10 Q -- in this case?

11 Thank you.

12 And, again, at the time that you signed for them did
13 you notice any tampers? Did anything seem off?

14 A No. It did not. We would not have accepted it at that
15 point if it had been tampered with or if it did not have the
16 initials, the protocol, same protocol, that we have.
17 Everything has to be sealed in order to take it.

18 Q Okay. And, again, that did not occur in this case
19 because you didn't observe that it had been tampered with
20 or, you know, nothing had happened during that shutdown.

21 A That's right.

22 Q Okay. Thank you.

23 And after you took the drugs in, what did you do with
24 them next?

25 A When I took, take the drugs from Maleah, she sends us

Kathy Lance
Direct examination by Mr. Sippel

1 an email to the P and E request box. That's how we handle
2 it for other agencies.

3 They come to our counter and we take the evidence from
4 them. Their envelope is in -- the envelope of the drugs is
5 in another brown Manila envelope of which we put our sticker
6 on through the prelog process because we know that two or
7 three or four days before she ever shows up that she's going
8 to bring them, mostly on Fridays for her.

9 And then we take it from her and we seal it. We put it
10 in our vault, and it remains in the vault until the drug lab
11 requests where they've had it. The drug lab technician or
12 clinician will come to pick it up to have it tested.

13 Q Okay. So you received the drugs. You then took them
14 and do the process you just explained to them. Did you also
15 deliver the drugs to the drug analyst in this case?

16 A No. The drug analyst will come to our counter, the
17 same counter she comes to. And we will check them out
18 through the computer where it's done through the chain of
19 custody.

20 Q Okay. Did anyone else have -- did anyone else, you
21 know, handle these drugs between when you received them
22 until the drug analyst took them to be tested?

23 A No, sir. Like I said, it goes into a locked vault.

24 Q Okay. Thank you.

25 And I -- I would just like to clarify something. On

Terry Lane
Direct examination by Mr. Sippe1

1 the chain of custody there's a line item that says agency
2 prelog. Does that -- does the person who signed for
3 those -- signed there, do they actually interact with the
4 drug, or what is the agency prelog? Could you just explain
5 that?

6 A We have a web -- website or P and E mailbox that comes
7 into our computer system where Maleah will send the drug lab
8 requests of what she's going to bring a few days ahead.

9 We usually get -- have a 48-hour period for her so we
10 can have time to put it into the computer, and then I type
11 it in, or in this instance Kara Bennick, my supervisor,
12 typed it into the P and E prelog.

13 And then when she comes my paperwork matches her
14 paperwork. We look at the drugs. I put the drug lab
15 request down into the sleeve of the -- of the bag, and
16 that's when it goes over to the vaults.

17 Q Okay. So just to clarify, that agency prelog, that's
18 not the actual physical drugs being brought over. That's
19 just, you know -- that is just an electronic notification
20 that the -- whatever agency is going to bring drugs over.

21 A Right.

22 Q So whoever signs for that agency prelog never actually
23 handles the drugs --

24 A No.

25 Q -- involved in the case.

Terry Lane
Direct examination by Mr. Sippe1

1 A That's just getting it ready for us to receive it when
2 she drops it off.

3 Q All right. Thank you.

4 MR. SIPPEL: Nothing further from the state, Your
5 Honor.

6 THE COURT: Mr. Warder.

7 MR. WARDER: Your Honor, may it please the Court. I
8 have no questions of this witness.

9 THE COURT: Thank you. You may step down. You may
10 also be excused if you like.

11 THE WITNESS: Thank you.

12 (Whereupon, the witness was excused.)

13 MR. SIPPEL: Your Honor, the state would like to call
14 Lieutenant Terry Lane with the Duncan Police Department.

15 THE COURT: All right.

16 TERRY LANE, having been first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. SIPPEL

19 Q Good morning, Lieutenant Lane.

20 A Good morning.

21 Q Could you please state your name and spell it for the
22 court?

23 A Terry Lane. Terry, T-E-R-R-Y, Lane, L-A-N-E.

24 Q Thank you, Lieutenant Lane.

25 And could you tell the Court where you're employed and

Terry Lane
Direct examination by Mr. Sippel

1 what your role there is?

2 A I'm employed with the Town of Duncan Police Department,
3 and I'm second in command. I supervise the road guys and
4 take care of administration duties in the office, as well as
5 patrolling the streets myself.

6 Q Thank you.

7 And how long have you worked in law enforcement?

8 A I've been at Duncan a total of 17 years. I've been in
9 law enforcement altogether about 21 or 22 years.

10 Q And so you said you've been in Duncan for 17 years. So
11 were you employed in Duncan with the police department when
12 this incident took place?

13 A Yes, sir.

14 Q Thank you.

15 And were you present at the scene during this incident?

16 A Yes, sir.

17 Q And what -- what was your role while this incident was
18 going on? what did do you do at the scene?

19 A When Officer Wright called out that he was in pursuit
20 of a vehicle that wasn't stopping for him, I proceeded to go
21 try to get in a position where I could put out stop sticks
22 and get the vehicle stopped. And then when I was notified
23 over the radio that the vehicle had wrecked and subject had
24 got out and ran on foot, I proceeded to the area to help set
25 up a perimeter to try to see if we could catch the subject

Terry Lane
Direct examination by Mr. Sippe1

1 that run.

2 Q Okay. And when you were at the scene itself after the
3 vehicle had crashed, what did you do?

4 A Myself and -- I can't remember if he was captain at
5 that time -- but it was Miller. He's another officer there.
6 He was there, and we was with the female that was a
7 passenger in the vehicle. And we was talking to her, asking
8 her questions and trying to get her to calm down because she
9 was just hysterical and crying. We was asking her the
10 question did she notice whether the blue lights was behind
11 them or anything. And she made the comment that --

12 MR. WARDER: Objection.

13 Q Let me stop you right there.

14 A Excuse me.

15 Q Please don't --

16 A I'm sorry.

17 Q Something else. So but, as you indicated, while you
18 were on scene you were with the female passenger.

19 A Yes, sir.

20 Q Okay. So you didn't actually interact with the
21 defendant at all, correct?

22 A No, sir.

23 Q You didn't go into the woods and look for the drugs?

24 A No, sir.

25 Q Okay.

1 MR. SIPPEL: Your Honor, may I approach?

2 THE COURT: You may.

3 Q Lieutenant Lane, do you recognize what I'm handing you,
4 which is marked as State's Exhibit 9?

5 A Yes.

6 Q Okay. Could you tell the Court that what is?

7 A This is a copy of the body camera from my body camera
8 on that day of the incident that I reviewed earlier.

9 Q Okay. And how do you know that that's what that is?

10 A Because it's the one I reviewed, and I initialed it
11 right here with any initials.

12 Q Thank you.

13 MR. SIPPEL: The state is not moving to admit this
14 into evidence at this time, Your Honor.

15 Q Now, Lieutenant Lane, just to briefly go back just a
16 couple of more questions. You said that the female
17 passenger involved in this incident, you said that she was
18 hysterical. Could you just kinda elaborate on that?

19 A She was having to me -- I'm not a medical personnel,
20 but like panic attack and just hysterical, you know. We had
21 to tell her several times, you know, to calm down.

22 At one point she had her hands in the air, you know,
23 saying I'm scared. I'm like you don't have anything to be
24 scared of, put your hands down, you know, and take some deep
25 breaths.

James William Armstrong
Direct examination by Mr. Sippel

1 Q Okay. And at any time did you tell her that she was
2 under arrest?

3 A No, sir.

4 Q Okay.

5 MR. SIPPEL: No further questions for this witness at
6 this time, Your Honor.

7 MR. WARDER: Your Honor, I have no questions.

8 THE COURT: You may step down. You may also be
9 excused if you'd like.

10 (Whereupon, the witness was excused.)

11 MR. SIPPEL: Your Honor, may we approach?

12 THE COURT: Yes.

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 THE COURT: Ladies and gentlemen, the next witness is
16 not available until after lunch. So we'll break now for
17 lunch. We'll resume this afternoon at 2:00 o'clock. So
18 you're going to be excused now for lunch. Please return to
19 your jury room at 2:00 o'clock this afternoon at which time
20 we'll continue with the trial.

21 In the meantime, don't discuss the case, don't conduct
22 any research, don't do your own investigation into any
23 issue.

24 Have a good lunch, and I'll see you at 2:00 o'clock
25 this afternoon.

James William Armstrong
Direct examination by Mr. Sippe1

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: Court is in recess until 2:00 o'clock.

4 (Whereupon, a recess was taken.)

5 THE COURT: All right. Are we ready for the jury?

6 MR. SIPPEL: The state is ready, Your Honor.

7 MR. WARDER: Yes, sir.

8 THE COURT: All right. Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: All right. Good afternoon. We're going
12 to continue with the state's presentation.

13 MR. SIPPEL: Thank you, Your Honor. The state would
14 call James Armstrong.

15 JAMES WILLIAM ARMSTRONG,
16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. SIPPEL

18 Q Good afternoon, Mr. Armstrong.

19 A Good afternoon.

20 Q Could you please state and spell your name for the
21 record?

22 A Yes. James William Armstrong. J-A-M-E-S W-I-L-L-I-A-M
23 A-R-M-S-T-R-O-N-G.

24 Q Thank you, Mr. Armstrong.

25 And what do you do for a living?

James William Armstrong
Direct examination by Mr. Sippel

1 A I am currently employed with Waldrop Security, which is
2 a contract company for the U.S. Marshal Service, as a court
3 security officer at the Federal Courthouse in Greenville,
4 South Carolina.

5 Q Thank you.

6 And before that what did you do for a living?

7 A I spent 25 years of my career in law enforcement
8 working at the Greenville County Department of Public Safety
9 Forensic Division Crime Laboratory.

10 Q Okay. Thank you.

11 And could you repeat how long you had worked for the
12 Greenville County Department -- Department of Public Safety?

13 A It was a little over 25 years.

14 Q All right. Thank you.

15 And what type of education or training did you have to
16 go through for that position?

17 A In order to get the job I had a bachelor of science
18 degree in chemistry from Erskine College. In order to
19 complete and do my testing there, I had to go through an
20 apprenticeship style training, probably one year under a lab
21 supervisor and attend numerous instrumental analysis schools
22 concerning instruments for use in the analysis. I've been
23 through the department of -- of drug enforcement and other
24 various agencies training on the detection -- detections and
25 process of how the manufacture, illicit drugs as well. I've

James William Armstrong
Direct examination by Mr. Sippe1

1 been through the forensic chemist seminar that's sponsored
2 by the drug enforcement administration in Washington, D.C.,
3 and I've testified at least 175 times as an expert in the
4 field of drug identification.

5 Q And when did you retire from that position?

6 A I retired June of 2021.

7 Q So you were employed there when this incident occurred
8 in December of 2020.

9 A Yes, sir. I was.

10 Q All right. Thank you.

11 And just briefly, when you were employed in the
12 position did you have any continuing education classes or
13 anything like that you had to keep up with?

14 A Yes.

15 Q And were you in compliance with those requirements --

16 A Yes, sir.

17 Q -- while you were employed there?

18 A Yes, sir. I was.

19 Q Thank you.

20 I believe that you already answered this, but when you
21 were employed in that position did you have occasion to
22 chemically analyze to determine whether a substance was a
23 narcotic or narcotic type drug?

24 A Yes, sir. Every day.

25 Q All right. And I know you said that you had testified

James William Armstrong
Direct examination by Mr. Sippel

1 over a hundred times as an expert. How many times do you
2 think, just ballpark, you would have conducted one of these
3 analyses during the course of your --

4 A I've testified at least 175 times in federal, state and
5 local courts.

6 Q All right. And you said state and local. So all in
7 South Carolina?

8 A Yes, sir.

9 Q All right. Thank you.

10 MR. SIPPEL: Your Honor, at this time I would like to
11 offer James Armstrong as an expert in the field of
12 chemistry and analysis of narcotics.

13 MR. WARDER: We would so stipulate, Your Honor.

14 THE COURT: All right. He is so qualified.

15 MR. SIPPEL: Thank you, Your Honor.

16 Q Now, Mr. Armstrong, back when you worked in Greenville
17 when your lab would receive a substance for determining
18 whether or not it contained a narcotic or narcotic drugs,
19 what steps were taken to ensure the substance hadn't been
20 tampered with or damaged?

21 A In order for us first receive a substance we would go
22 to our property and evidence room and ask them to bring the
23 evidence to us.

24 we would then sign it out and take it to our office and
25 inventory and verify that the package is properly sealed.

James William Armstrong
Direct examination by Mr. Sippe1

1 And if that package was not properly sealed, we would notify
2 property and have them correct that situation.

3 Then we also make notation on the property sheets, as
4 well as the evidence, noting that it was not properly sealed
5 at the time that we received it.

6 If it was properly sealed, then we would just initial
7 and date when we actually open those packages and then we
8 would start our analysis by opening one package at a time
9 until that part is completed, then sealed. And then we go
10 to the next item.

11 Q Okay. So if you received a sample and it wasn't
12 properly actually sealed, would you test it?

13 A We would test it, however, there would be notations of
14 why on the packaging and the evidence, as to why we tested
15 it.

16 Q Okay. Now, in the case of Hakeem Sexton, who is the
17 defendant in this case, did you receive a substance to test?

18 A Yes, sir. I did.

19 Q Okay. And how would you identify that the substance
20 you tested was associated with that specific case or with
21 this specific case?

22 A In order for us to obtain and actually work cases for
23 other agencies we would require them to fill out a lab
24 request form which gave us permission to test their
25 evidence, which had the information such as the incident

James William Armstrong
Direct examination by Mr. Sippel

1 date, officer's name, the agency's name, as well as the item
2 they want tested and what they would like us to test for.

3 Q Thank you.

4 MR. SIPPEL: Your Honor, may I approach?

5 THE COURT: You may.

6 Q Mr. Armstrong, I'm going to hand you what has been
7 premarked for identification purposes only as State's
8 Exhibit 8. Do you recognize it?

9 A Yes, sir. I do.

10 Q And how do you recognize it?

11 A This is a typing on a lab report. This also has my
12 signature on bottom of the page.

13 Q Okay. And what did you do with the substance or the
14 substances indicated in that report once you received them?

15 A Once I received them, I then made sure that I had all
16 three items that were listed on our -- on the property form.
17 And then I started my examination.

18 I would take Item A. I would actually open that
19 package, initial and date that I opened that -- that item.

20 Then I would weigh just the sample, not the bag that
21 was containing the rock substance, just the actual rock
22 substance, record the weight and then start a chemical swab
23 test to see what the item on there may not have to know
24 which instrument to go forward to to actually confirm the
25 presence or absence of a controlled substance.

James William Armstrong
Cross-examination by Mr. Warder

1 Then I would take a little small sample, place it in a
2 tube and it would dissolve in solvent in case you run it on
3 our instrumentation to confirm the presence or absence of
4 the controlled substance.

5 Q Okay. After testing the substances in this case, what
6 were the results?

7 A Found Item A to be a bag containing a rock substance
8 found to contain methamphetamine with a weight of
9 0.73 grams.

10 Found Item B to be a plastic containing rock substance,
11 found it to contain methamphetamine with a weight of
12 1.82 grams.

13 Found Item C was a bag containing rock substance.
14 Found it to contain cocaine base with a weight of
15 3.61 grams.

16 Q Thank you, Mr. Armstrong.

17 And before you had said there was a -- any evidence of
18 tampering or damage that you would have notated that --

19 A Yes, sir.

20 Q -- on that. Are there any of those notations on your
21 report?

22 A No, not on the report. The result of the evidence I
23 could tell, but we also write it on those packages.

24 Q Okay. Thank you.

25 MR. SIPPEL: Nothing further from the state, Your

1 Honor.

2 CROSS-EXAMINATION

3 BY MR. WARDER

4 Q Sir, did I understand that the evidence would be
5 brought to your lab, or did you have to go get it from some
6 place?

7 A We would go to the -- it's still in the basement of the
8 law enforcement center. Go to our property and evidence
9 room and pick it up.

10 Q You'd go pick it up at the property and evidence room.

11 A Yes, sir.

12 Q would you do that or would some other person do it for
13 you?

14 A I did that.

15 Q Okay. And I guess you personally returned it?

16 A Yes, sir. I did.

17 Q Thank you, sir.

18 A No problem.

19 MR. SIPPEL: Nothing further from the state, Your
20 Honor.

21 THE COURT: Okay. You may step down. Thank you.

22 MR. SIPPEL: Your Honor, may this witness be excused?

23 THE COURT: He may be.

24 (Whereupon, the witness was excused.)

25 MR. SIPPEL: Your Honor, at this time the state rests.

Motion

1 THE COURT: All right. Ladies and gentlemen, that is
2 all of the testimony or other evidence to be offered by the
3 state, at least in their case in chief.

4 Before we go further I've got some issues I need to
5 address with the lawyers. So I'll ask you to please go to
6 your jury room. Do not yet discuss the case. I'll bring
7 you back shortly to continue.

8 (The following takes place outside the presence of the
9 jury.)

10 THE COURT: All right. Just so I'll be clear, what
11 about No. 8? Is that in?

12 MR. SIPPEL: No, Your Honor. It was my understanding
13 that the drug analysis --

14 THE COURT: You didn't offer it.

15 MR. SIPPEL: No, Your Honor.

16 THE COURT: Okay. Exhibit No. 8 was referred to by
17 the witness, but it's not been introduced, is that what I
18 understand?

19 MR. SIPPEL: That's correct. It was just for
20 identification purposes.

21 THE COURT: Is that what you understood, Mr. Warder?

22 MR. WARDER: Yes, sir. It's not in evidence.

23 THE COURT: Okay. Four, five and six are photographs
24 of the items that were -- that have been attributed to
25 Mr. Sexton by the witnesses.

Motion

1 MR. SIPPEL: That's correct, Your Honor.

2 They're photographs of the narcotics that were taken
3 at the scene.

4 THE COURT: All right. And the drugs themselves, are
5 they in?

6 MR. SIPPEL: They are not here, Your Honor, no.

7 THE COURT: What about No. 7?

8 MR. SIPPEL: Your Honor, No. 7 was another photograph
9 that I --

10 THE COURT: You didn't offer it.

11 MR. SIPPEL: I did not.

12 THE COURT: Okay. I just -- I mean, I had my list. I
13 was a little bit confused about what they were, but
14 that's -- that clears it up.

15 Okay. All right. Any motions or matters to address?

16 MR. SIPPEL: None from the state, Your Honor.

17 THE COURT: All right. Mr. Warder.

18 MR. WARDER: Your Honor, I, of course, move for a
19 directed verdict at this time.

20 There is certainly insufficient evidence that my
21 client possessed them. The testimony is that it was found
22 in a proximity to him, but certainly there's no more tied
23 to him than that. And I think that's legally insufficient
24 to prove guilt beyond a reasonable doubt, and I would ask
25 you for a directed verdict.

1 THE COURT: All right. Mr. Sippe1.

2 MR. SIPPEL: Your Honor, the state believes that we
3 have met the burden of proof with regard to full possession
4 and intent to distribute the narcotics that were located at
5 the scene.

6 You heard Officer Wright's testimony regarding seeing
7 the defendant bustling around and moving things in that
8 general vicinity. The drugs were found in the vicinity of
9 the defendant.

10 He fled not only in his car but also on foot after he
11 wrecked his car. And, Your Honor, it's the state's belief
12 that all of that circumstantial evidence combined would
13 lead one to believe that Mr. Sexton was in possession of
14 the drugs. He fled because he was in possession of them.
15 He tried to get rid of them, and then they were located in
16 the vicinity that he was found.

17 THE COURT: Mr. Warder, anything else?

18 MR. WARDER: No, sir.

19 THE COURT: All right. Well, while the evidence may
20 be circumstantial, I do find it is substantial; and
21 therefore I do find there's sufficient evidence from which
22 a jury might reasonably find that the defendant did
23 possess, either actually and/or constructively, the items
24 which have been identified as illegal substances; and
25 therefore the motion for a directed verdict is denied.

1 MR. WARDER: Okay.

2 THE COURT: Mr. Warder, have you talked to Mr. Sexton
3 about his right to testify, as well as not testify?

4 MR. WARDER: He's indicated to me that he wants to
5 testify.

6 THE COURT: All right. Are there any -- is there any
7 criminal history that the state believes would be probative
8 and relevant that's admissible and that you would offer if
9 he testified?

10 MR. SIPPEL: Your Honor, I don't believe that there's
11 anything that would, no.

12 THE COURT: All right. So you don't intend to ask him
13 any questions about prior criminal history --

14 MR. SIPPEL: No, Your Honor.

15 THE COURT: -- for any purpose?

16 Okay. All right. Mr. Sexton --

17 THE DEFENDANT: Yes, sir.

18 THE COURT: -- I'm sure you and Mr. Wadder have
19 talked, but I've got to find that out.

20 Has he talked to you about your right to testify, as
21 well as to not testify, during this trial?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that any time you're
24 charged with a crime you come to court and you come to
25 trial, you have an absolute right to remain silent?

1 Nobody can make you take the witness stand; nobody can
2 require that you answer any questions or make any
3 statements, certainly not any that might tend to prove your
4 own guilt.

5 If you elected not to testify, I would instruct the
6 jury, as I already have, that you have no burden and they
7 can't hold it against you, they can't consider it in any
8 way if you don't.

9 At the same time, if you decide you do want to
10 testify, when you take the witness stand you have to answer
11 not just your lawyer's questions, but you have to answer
12 the prosecutor's questions even if the responses to those
13 questions might tend to prove you guilty of a crime that
14 the state claims you committed.

15 Do you understand it's your choice as to whether or
16 not you will testify?

17 THE DEFENDANT: I understand.

18 I'm just not understanding if that's my only time to
19 talk because it's -- may I point again? It's
20 inconsistency, and I notice that you say that you couldn't
21 drop it now because you felt like it was probable cause.

22 I -- I felt like I wanted to talk about that, but I
23 don't know if I had to yes to the testifying for me to be
24 able to do that, because you said that you still found
25 grounds for him to -- for that the jury might have found

1 grounds, but nothing was said about the body cameras being
2 turned off. And officer already out there while I'm back
3 in the car before he comes back and cut his off. And
4 there's another officer out there without one for any drugs
5 that he spoke of.

6 All that you was overlooked. And I still have to
7 testify to get my part across but that -- that's on video
8 for all our eyes to see -- the jury, yours and theirs.

9 It was overlooked like that ain't the most -- they
10 got -- I still found grounds for Mr. Sexton that this was
11 his, but you watched on video Mr. Sexton apprehended walked
12 back to the car.

13 And before any words of drugs being found the camera
14 is off. Not only is that camera off, we see another
15 officer that was out there while I'm being placed in the
16 car. When he turned around, you see the other officer that
17 he directed to his footprints that's -- don't got a body
18 camera standing there as I'm proceeding to the car.

19 Until he gets back that he said he left footprints for
20 that other officer to go to without a body camera, and you
21 get back to that same spot and cut yours off.

22 At that point after that y'all get to speaking of
23 drugs. How is that my doing and how is -- I remember that
24 you told the jury that you -- they have to judge -- not
25 judge -- they have to look with open eye of it to, like,

1 the laws and stuff that you would tell them.

2 It's not way that you could tell me after I were
3 placed in there he went back into the woods and hadn't no
4 drug charge been placed yet, that he can cut his camera off
5 and also be there with the officer without one. And they
6 saying they found drugs that are Mr. Sexton's.

7 It shouldn't be left up to the jury. That's plain
8 view in our face. They is no drugs or nothing on
9 Mr. Sexton's, persons in the car. It's nothing. All the
10 way from the woods all the way back to the car was placed
11 in.

12 He gets a dog outta the car while a man is out there
13 and done placed in the vehicle without a body camera close
14 to the most critical part of the scene as the officer said
15 without a body camera right there where he said he left his
16 foot marks before he went and placed me in the car. He
17 walks back with the dogs to that same area and cuts his
18 body camera off.

19 It's no way that that isn't grounds of dismissal, Your
20 Honor, right here in your face, and it's not my side, this
21 side, trying to tell you that.

22 This is upon visual, so I still got to worry about
23 them believing what he said over this visual that couldn't
24 be dropped right now for technical? And everybody knows he
25 cut his body camera off for his dog to shit? That has --

1 poop. I am sorry. For his dog to poop. If that's -- if
2 that's not blinking on all of our minds in here, including
3 the jury's, that that should be dropped right then, you cut
4 your body camera off at the most critical point of a search
5 before you find anything for your dog to urinate and poop.

6 If that's not dismissal grounds, why would officer
7 that's out there before you come and do that by himself as
8 you walk me to the car. So officer out there without body
9 cameras by himself before you walk me to the car.

10 And then you go back to that guy that you told where
11 the footprints at and he's standing there with his hands.
12 It's visual of this, and he's standing there with his hands
13 like this waiting on you to get back. We just watched
14 that, for him to let a dog go and say got to urinate and
15 cut it off before any drugs -- drugs are found, Your Honor.

16 If that's not grounds to drop this stuff, it ain't no
17 grounds. They just trying to get them to believe because I
18 have a past that it was mine. That's not right, Your
19 Honor. It's not right. I shouldn't have to testify. We
20 all just looked at that with our eyes. It's not right.

21 I'm trying not to get probably, but you seen what I
22 seen. I knew this because of the video. Since day one I
23 been telling y'all didn't have any things, no way that
24 y'all can prove that I have anything because I know I
25 didn't have anything.

1 Y'all watched a video that showed no drugs being found
2 all the way to the point I come to the -- the patrol car.
3 No drugs are still not found until he cuts his body camera
4 off. There's nothing presented to his body camera drugs
5 until he cut it off and when seriously cut it back on with
6 the drugs on the hood.

7 If that ain't grounds of dismissal, sir, I don't know
8 what. Y'all just brought me here to give me time. It's --
9 if that's not dismissal and I still gotta wait on their
10 verdict, I don't know what to say. I don't know what to
11 say about this but to cry. I don't know what to do but to
12 cry, sir. I don't know.

13 My innocence is right there in our face. I still
14 gotta get people to believe me over him? They got no body
15 [sic] here.

16 Sir, I don't want to get off subject, but you see what
17 I see. And then for people to say that that's not grounds,
18 but we didn't hear nobody speak about his body camera being
19 turned off and nothing being found. And there's a still
20 chance it's mine? Nobody's saying that there -- these
21 insufficient things that should be in the police procedures
22 that's being done, and I'm still being charged. It's still
23 continuing on to let the juries decide.

24 Everybody's overlooking that. He's a officer. He
25 doesn't -- can't do that. He's the solicitor he knows you

1 can't do that.

2 Your Honor, I don't mean to point at you. I'm not
3 even -- you. You know you can't do that, cut your body
4 camera off at the break.

5 why have another officer out there without one on? No
6 drugs found on this person prior, but you talking about
7 drugs found after your body camera is cut off.

8 If that ain't grounds of dismissal, Your Honor, what
9 is? what else in their case is? Because that's -- that's
10 in our view.

11 what he was saying -- I'm not pointing at the
12 solicitor. I was pointing to where the officer was
13 sitting.

14 what he was saying is not on video. He's saying it
15 and they're believing him. He said I was over there
16 roughing the grass and not seeing.

17 He said I came from that way, not on camera, but you
18 see him apprehending, hear him say get down or I'll shoot.
19 I -- I did what he said, got down right here before he
20 shoot.

21 Of course that's why I ran. I'm scared. Things like
22 this happen. Look at 20-20. The peak of the year of this
23 police brutality and shootings and all. Remember 20-20
24 around Berona [sic] time? All of this is going at that
25 time, but we're not talking about that. We -- we are here

1 about these -- these drugs that I know that wasn't mine,
2 and the evidence is showing us that it's not mine.

3 I leave. There's two people out there while I'm in
4 the car, but I still gotta get the jury to believe over
5 officer and the judge saying it's still grounds to believe
6 that they're mine and he watched the same video I watched?

7 wasn't no drugs spoke about until he cut his camera
8 off and wasn't none presented to his body camera, only one
9 out there. I don't have one. The other officer don't have
10 one. Only his that is cut off before the drugs are found
11 to show it because a dog had to use the restroom?

12 If that ain't grounds of dismissal, sir, y'all know
13 what y'all brought me here to do to me. Y'all know y'all
14 did. If that ain't grounds of dismissal, sir, I'm going to
15 watch it again so everybody see that they didn't even see
16 that he cut the camera off. They just seen it was about
17 the point he paused it and rewind it.

18 Tell me. If that ain't grounds of dismissal, sir,
19 before we even make it to that point, I was here. I was
20 brought here to get bam boozler [sic]. Any -- you can ask a
21 million people, a million people. We got to go to the 12.

22 we do not go to this room and y'all watch what I just
23 watched. Anybody will see that that's some flossed stuff
24 that just happened, and there's no way you can convict me
25 of that, Your Honor.

1 And y'all watch me get taken back to the car. He said
2 there was a foot away from here. Sir, my shoe is a foot.
3 I wear a size 12. He said it's a foot away from where I
4 was at, not on his body camera being seen as he apprehended
5 me from this foot that would have been away from there.
6 Take me back to a car and said there's something found
7 after you cut your body camera off.

8 Sir, I'm sorry. I'm not -- I just wanted to show him
9 a foot and step down. No drugs found, but you get on that
10 stand, swore and say it was a foot away from you and direct
11 somebody without a body camera to that same spot before you
12 cut yours off after I'm already gone to the patrol car.

13 If that ain't grounds of dismissal, then I understand
14 that everybody's overlooking this on purpose to do away
15 with me. I don't think y'all understand what this is doing
16 to me. Y'all have eyes just like me.

17 We ain't going off of my defense, going off of what I
18 say. We went off of what he said. His stuff isn't on
19 video. He said I ran from -- I turned and ran like I
20 was -- that wasn't on video during that. He said I was
21 rounded on the other side of the hill or something. It's
22 not on video I'm doing that. It's -- it's being
23 overlooked.

24 He turned around and said those drugs are mine.
25 Everybody watched him find me. He said it's a foot away

1 from me, which that body cam showed apprehended, and a foot
2 is visible around that. Still no drug charge placed on me.

3 He walked me to the car while another officer that he
4 just directed, while he walks to the car pat him on the
5 back. Everybody watched this. Pat him on the back. Go
6 over there and left footprints. Take him to the car.

7 Come back with a dog and cut his body camera off
8 before anything found. If that ain't grounds for
9 dismissal, sir, there ain't no grounds of dismissal. I'm
10 here today to make van booza [sic]. Everybody know that.

11 I want to watch it again. I want the jury to see that
12 again because, see, y'all still overlooking it and we can
13 see this. I just want to calm -- let me calm down, sir,
14 because I don't want you looking about that because I'm
15 actually an angel, and they're making you believe like I'm
16 not without no evidence, and we looking at the evidence
17 that helps me.

18 This is not right and I feel like you know it. I feel
19 like you know it. This video, that's proof of my
20 innocence.

21 I still can't believe what they say, and I have a
22 prior record? Come on, man. What do you want me to do? I
23 can't say. That's what I got. That's why I got him.
24 Y'all only going to believe what y'all see. It shows my
25 innocence, sir. I got him so y'all believe. I didn't need

1 him. I didn't need a lawyer because I knew I didn't have
2 anything.

3 That video shows the innocence I prove to a jury,
4 because you just sat here and said you still found ground,
5 and you watched that man cut his body camera off for his
6 dog to shit before anything was found and I was gone while
7 another man was out there?

8 Anybody with sense would know I been brought here to
9 do damage with those terms on the line. There's nothing
10 else I can do but cry because we know, we all know, this
11 ain't right, this ain't stuff they shouldn't make to a
12 jury. Y'all still trying.

13 I have nothing else to say, man, because I don't know
14 what to say. I just know I'm being done wrong with the
15 proof in your fucking face.

16 This is my life. Y'all done trying to give me life
17 and I know I didn't have anything. Do you know what that
18 does to me right now, sir? Sir, do you know what that does
19 me? You can see that --

20 THE OFFICER: Sit down.

21 THE DEFENDANT: I'm sorry. Yes. I am angel. I'm
22 just -- I just -- it's like nobody's looking at what I'm
23 looking at. why they looking also?

24 You sat there and said, sir, it's grounds of
25 continuance. When have you seen a search they cut the body

1 camera off for their dog to shit before they found drugs
2 they didn't charge with somebody who they just took from
3 that same spot? How many times you seen that? You
4 haven't. You haven't.

5 It's everybody overlooking that, like we don't all
6 have eyes and good sense. Ain't nobody mentally ill in
7 here. Nobody. Y'all see this. Y'all overlooking it.

8 I'm trying to figure out why. why? when I -- it took
9 the cake when you said them are not grounds of dismissal
10 and you watched them take me back to that car and still no
11 drugs not found and then turn around and come back and cut
12 that camera off before they said they found it and that's
13 all the video we have up until me going back to the car --
14 to the courthouse?

15 You still found grounds to find me. I shouldn't have
16 to testify and get up there to do that. Your eyes should
17 have just seen that it did that, sir, and it did it. I
18 really want to know why. I really want to know why. I
19 doubt I'll get that answer. I doubt I'll get that answer.

20 THE OFFICER: You need to settle down right now, or
21 I'm going to restrain you. Settle down.

22 THE DEFENDANT: I'm sorry, Shelton. You got it.

23 THE OFFICER: Sit down.

24 THE DEFENDANT: Can one person please just tell me I'm
25 wrong? I know they can't because y'all know I'm not wrong

1 right now. Y'all know I'm not wrong.

2 Cry? Crying for my family. I'm fucking innocent.

3 I'm crying because I'm being done wrong and everybody here
4 knows that.

5 That's all I have to say, Your Honor. I don't want to
6 get in trouble because I'm not mad. I just need to get my
7 point across. Y'all tell me I have to do that in front of
8 the jury.

9 On top of that, I've got to one on one. It took the
10 cake when you said that those weren't grounds of dismissal,
11 and they definitely were. It just -- I didn't want you to
12 see me acting like this in front of the jury, and because
13 I'm not mad.

14 I'm not understanding why y'all not looking at what we
15 all just looked at it. Y'all looking at it with a blind
16 eye, overlooking it. And I mean that by you, him and that,
17 the officer made it up, like he's making stuff up.

18 Everything he's saying that wasn't on video, he's
19 trying to get them to believe it. Everything that y'all
20 just seen from me not having any drugs is on video.

21 It's nothing to talk about until he cut his camera
22 off. Nothing found. Nothing. Y'all still say his grounds
23 on that after he cut his camera off in the middle of the
24 brief of the case. Deliberately. Not accident. We ain't
25 talking about accident. We still going to believe the

1 officer because his body camera. He looked at us and told
2 us he cut it off for his dog to shit. If that ain't bull
3 shit, Your Honor, I don't know what bull shit is, Your
4 Honor.

5 UNIDENTIFIED PERSON: Watch your mouth, sir.

6 THE DEFENDANT: Oh, yes, sorry.

7 THE OFFICER: Do you want me to restrain him, Judge?

8 THE DEFENDANT: I'm sorry, sir. I just had to get --
9 I'm sorry.

10 THE COURT: I want him to have his say so we can
11 continue.

12 THE DEFENDANT: Yes. I just wanted you to see where
13 I'm coming from. I'm sorry for cussing and all of that,
14 y'all. Please. Ma'am, I'm sorry.

15 I just -- y'all can understand now why I'm flustrated,
16 but as you can see -- as you come in here and you bring the
17 jury back in, I would love to watch that video.

18 If I have to go in there and speak and ask questions,
19 that's fine. But I just had to have the one-on-one talk
20 with you after I heard you just say those wasn't grounds.

21 And you know the law. You know the brink case of a
22 search you can't cut your body camera off literally for
23 your dog to shit, especially on somebody you claim had
24 drugs that you just walked from the same spot and put in a
25 vehicle and no drugs were found prior.

1 If those not grounds to drop these drug charges, sir,
2 we're in a corrupt -- we in something corrupt, and that has
3 to be looked at. Because what else? what else would have
4 been done at that time in my favor?

5 That video is showing my innocence. Y'all trying to
6 overlook it and still make me pay for my life. I get life
7 for y'all doing this right now and trying to figure out a
8 way.

9 My innocence is in on the video and everybody keep
10 overlooking it, and as they look at it with me. I don't
11 know what to say, Your Honor.

12 Then he asked you to dismiss it because it's plain
13 view for anybody with a sane mind. You say no, you still
14 found grounds, sir. I don't.

15 This is not right, man. I don't even know what to
16 say. I can't do nothing. I can't do nothing. I'm being
17 lied on, and it's working for their favor because they
18 believe them over me with this -- with a visual in our
19 face.

20 Come on, man. This ain't right, man. There's no way
21 somebody could tell me this is right. It's not right, man.
22 Y'all know it too.

23 THE COURT: All right. I'll consider those remarks as
24 an amendment to Mr. Warder's motion for a directed verdict,
25 and still the motion for a directed verdict is denied.

1 All right. Now, Mr. Sexton, we'll get back to what I
2 was talking to you about, which was about your right to
3 testify or not testify.

4 And have you talked to Mr. Warder about that?

5 THE DEFENDANT: No. I just want to know what I just
6 said to you, none in that manner, not no cuss words or
7 nothing, but somewhat what I was saying.

8 If I get up there can I say that to the jury? Because
9 that's what I want them to know. They're missing this, and
10 it's like you still not finding the grounds.

11 So I need to do this in front of them because it's
12 still left up to them, and you know. You know that I'm not
13 supposed to. So I -- I'm seeing what's going on. I don't
14 know what to do in a situation. I just know I'm innocent.
15 Everybody trying to look around it and give me a bunch of
16 time.

17 So he said to testify yesterday as of course is all
18 ready for that, but at some point I don't want you to think
19 that I'm out of order in your courtroom, because I want to
20 just say everything I just said to you in your face, is I
21 know. I still got to get them to believe it even though
22 you know it's not right.

23 So with that being said, if I can take the stand and
24 do that, yes. I don't know about taking the stand or none
25 of that. I just know I'm innocent and stuff is being

1 overlooked that is my innocence.

2 Now, I got to get them to believe it and show again by
3 just everybody here with the same mind knows that, yes, I
4 got -- if that's what you're saying by that, about that
5 asking me questions and stuff, then, yes, I'll get up there
6 so I can say that to the jury.

7 But if they not letting me do that and while the video
8 up and speak to them, I don't -- I don't see what -- I
9 don't see what me coming up there for because it's -- he's
10 not going to put it -- what she -- what she say? It's not
11 on record or nothing.

12 So it's like what. What is they trying -- why? I
13 still got to wait on the jury verdict with stuff that can't
14 be done with I know -- I know you said according to the
15 law.

16 I'm pretty sure that law book, it says you can't
17 charge somebody after you put them in the car for drugs
18 that you found drugs after you cut your body camera off.
19 You can't charge that person, but anybody know that.
20 Anybody know that.

21 Why would you cut your camera off before you found
22 anything? Why would you have the officer out there without
23 a body camera? Why are you apprehending the suspect and he
24 got his hands in his pockets standing there when you get
25 back to where you told them, directed them to where you was

1 with me? How is that possible to still have to fight a
2 jury? How can they make it this far?

3 So that leaves me just how yesterday, how the code was
4 mixed up. I -- I even heard that, how the code's mixed up
5 on the warrant and it didn't match and all of a sudden it
6 was re -- re -- reindicted by the grand jury.

7 So I been fighting a case that they didn't even know
8 of the whole time to be switched the day of my trial. I
9 overlooked it. I just still know I'm innocent. That ain't
10 got nothing to do with the stuff they trying.

11 They turn around and overlook this video that shows my
12 innocence and I still got to be believed over an officer?
13 I need the jury to know that, because it's like y'all want
14 me to leave my life in their hand when it was supposed to
15 be dismissed in the beginning.

16 It's no way that these videos not showing you that.
17 It's -- I -- I'm full of fact. There's no way these videos
18 showing that, because I gotta appeal. If y'all still
19 trying to find me guilty on this B.S., I still have to
20 appeal and come and do it again, right, right after,
21 because everybody know that I'm right.

22 I didn't have anything. It showed. I was taken back
23 to a car. They still making me fight for my life, and this
24 officer was able to turn his body camera off for his dog to
25 shit. You ain't heard the end of the case yet. That was

1 valid.

2 Now I got to get the jury to believe that this
3 still -- that officer, he just a regular officer and I'm a
4 bad guy? why's y'all doing that to me? It's clean cut
5 that I didn't have anything. It's clean cut.

6 He cut his body camera off out there with another
7 officer before you find anything. That's not clean cut
8 that that has nothing to do with me, that's not clear view?

9 I'm charged with that. I'm charged with something
10 that's not on camera. Two officers out there with it that
11 had a camera and nothing's videoed. I'm charged with that.
12 Not them. It's accepted, Your Honor. It's being accepted
13 in my face by you also. It's being accepted in my face. I
14 don't know what to say. I really don't. What can someone
15 say?

16 THE COURT: Apparently you do.

17 THE DEFENDANT: I don't know. The truth is in our
18 face and we're overlooking it. I'm not overlooking it.
19 Everybody in here is overlooking it. It's in our face.

20 That's what I have to say, Your Honor. That's what I
21 want to say up there. I just wish they would have heard,
22 sit there and say that.

23 Yes. You can bring them back in. I can sit here and
24 say that because I -- it's -- it's under my understanding I
25 still gotta get them to believe. So if I may look at that

1 T.V. and explain my innocence when they get back in here,
2 then I don't have nothing else to say after that, Your
3 Honor, because it seems I still have to prove to them with
4 a disfault in this -- in this case on their behalf that's
5 being overlooked. That means my life don't matter in this
6 courtroom even with the truth.

7 Yeah. I need to show them that it just hurts. It
8 hurts from the inside. It hurts knowing that even the
9 judge looking at it and he's supposed to have the best
10 sense in here and this -- and this shit being overlooked by
11 him. Sorry if I said shit.

12 I respect you, Your Honor. I just need you to know
13 that. I just needed you to know that. I got -- I got
14 tears in my eyes, and I'm innocent.

15 You know how it feel? Do you know how I feel right
16 now, Your Honor? Do you know how I feel? I'm -- I'm
17 innocent. This shit shows it. I'm still being -- chance
18 of being resumed guilty.

19 Yes. I want to see that video that I was requesting
20 while they're out there since I still got to prove it to
21 them with the truth in everybody's eyes already. Yes.
22 With you still dismissing the dismissal claim? I just -- I
23 have -- I want to do that. I don't want to go up there or
24 nothing. I just want to stand right there and look at a
25 T.V. I don't even want to look at them. If you think that

1 that that's movements for the jury, I'll have my back
2 turned to them, but I see everybody overlooking the truth
3 purposefully.

4 I have to continue to fight for my life, so, yes,
5 bring them as I -- as I direct that part. But as far as
6 the testifying going, yes. He let me know. I just want to
7 know. I want to speak for myself. If I got to answer
8 their questions, I know I'm innocent. Yes. I answer their
9 question. That's no problem. But why is my innocence
10 being overlooked with the facts before the jury? That's
11 what I'm not understanding.

12 So now I gotta appeal it and happy because I can
13 already see this B.S. This hasn't been dropped yet. I can
14 already see that. Anybody can see that.

15 I supposed to been left. I supposed to left when this
16 started. You see what I'm saying? Everybody is
17 overlooking it because it's corrupt. And that hurts me,
18 man. That hurts me, because I'm as innocent as one can be
19 on video with the grounds of the -- the state doing stuff
20 they can't do.

21 And I'm still being trial. It's corrupt. I don't
22 know what to do. I just can cry. I really don't know what
23 to do, Your Honor. I really don't. This is sad. This is
24 sad.

25 I gotta do this again because, as we can tell, it's

1 not working in my favor with the truth visual for it. I
2 still got to make some people believe that wasn't there and
3 you sitting right here looking at it.

4 I just -- I don't want to say you -- I don't want to
5 say you not doing what you -- I just want -- want you to
6 understand, sir. You see what you see. You know that's
7 not right and you still haven't dismissed it yet. That's
8 what I was getting at.

9 But, yes. I will speak in front of the jury if I may,
10 because that's who I have to still try to convince. And
11 I'm innocent on video. I still gotta convince some people.

12 I hurt, Your Honor. I hurt. This ain't even -- this
13 is -- I don't even know what to say, Your Honor. This
14 can't be real. This can't be real. This can't be real.

15 THE COURT: All right. Well, we're going to take a
16 10-minute recess, maybe 15, and you're going to talk to Mr.
17 warder, and y'all discuss again about whether or not you
18 are to testify. And then when we come back I'm going to
19 have to ask you again about it. So just be prepared for me
20 to ask you those questions okay.

21 THE DEFENDANT: Yes. That's fine, Your Honor.

22 May I so I have understanding so I won't be
23 disrespectful in your courtroom? Can I say majority -- I
24 say majority because it's like I didn't have to break up
25 this corrupt stuff. Can I speak on what the video shows to

1 the jury? That's what I need to do because --

2 MR. WARDER: Your Honor, may I make a request that
3 maybe you can help me with? He, obviously, wants that
4 video played again. I lack the technical knowledge to make
5 the solicitor and his computer run to play that video.

6 THE COURT: Mr. Siffle will help you with that.

7 MR. SIPPEL: Yes, sir. Your Honor, I'd be more than
8 happy to help him set up the video and show him how to play
9 it and everything like that.

10 MR. WARDER: If I could just get somebody to get it
11 going, and I can have him tell the jury what -- what he
12 thinks, what is in the video.

13 THE DEFENDANT: Yes. The video that --

14 THE COURT: Well, Mr. Warder, now, let's be clear
15 here.

16 I've listened to Mr. Sexton talk a lot. I've heard
17 some things that he shouldn't be saying in the courtroom.
18 If he -- if he uses words like that in front of the jury,
19 it would be contempt.

20 So because I'm telling you now, Mr. Sexton, if you
21 testify you'll have to control your language and use proper
22 language, and using 4-letter words that are offensive is
23 not proper language.

24 THE DEFENDANT: I'm sorry, Your Honor.

25 THE COURT: And there's no purpose in saying it other

1 than for you to be trying to make a point because you're
2 frustrated, but you're not -- you're not going to use that
3 language in front of a jury because it doesn't benefit
4 anyone.

5 It doesn't make the jury understand anything any
6 better, and it's not what anybody has said that's in
7 evidence. So you won't be using that language.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And if you do, I'm going to consider it
10 contempt, and so you get sentenced for contempt whether you
11 get convicted or not. Do you know what contempt is?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. So as I say, we're going to
14 take 15 minutes, and you and Mr. Warder are going to talk
15 about whether or not you are to testify in this trial,
16 whether or not it would in your benefit perhaps, or not.
17 And-but anyway I'll have some other questions I'll need to
18 ask you about that. So you talk to Mr. Warder about it.
19 And when y'all come back I'm going to ask you those
20 questions that I was going to ask you 30 minutes ago, but
21 you wouldn't let me because you got off on a tangent.

22 THE DEFENDANT: I just need the truth to be out there,
23 Your Honor. I'm sorry.

24 THE COURT: I understand.

25 All right. We'll take 15 minutes.

1 Mr. Warder, you and Mr. Sexton talk about testifying,
2 or not.

3 (Whereupon, a recess was taken.)

4 THE COURT: All right. Mr. Sexton, have you had time
5 now to talk with Mr. Warder about your right to testify, or
6 not?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And has he explained to you the advantages
9 and disadvantages of testifying, as well as not testifying?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you appreciate what those
12 advantages and disadvantages are?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And do you understand that if you take the
15 witness stand and testify you have to answer all of the
16 questions that are asked by the lawyers, even if some
17 response might tend to prove you guilty of a crime they
18 claim you committed?

19 If you don't testify you don't have to provide
20 incriminating information, but if you do testify you have
21 to answer questions even if it might provide incriminating
22 evidence. Do you understand?

23 THE DEFENDANT: Yeah. I'm -- I understand. I
24 understand that, sir.

25 THE COURT: Okay. So have you had plenty of time to

1 talk to Mr. Warder about testifying, and not?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you understand you don't have to.

4 THE DEFENDANT: No. I want -- I want to get that
5 point across.

6 THE COURT: Okay. Well, can you just answer the
7 question there, yes or no?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. My question was do you understand
10 that you don't have to testify, it's your choice?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And/but you've made a decision that you
13 will testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And is that a decision that you made on
16 your own?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Anybody forced you into it?

19 THE DEFENDANT: No, sir.

20 THE COURT: Anybody pressured you into it?

21 THE DEFENDANT: No, sir, no, sir.

22 THE COURT: Did anybody even suggest you ought to do
23 that?

24 THE DEFENDANT: No, sir.

25 THE COURT: So you made that decision on your own

1 after having time to think about it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you have any questions you need to ask
4 me about that?

5 THE DEFENDANT: As I'm up there testifying, except for
6 the cuss words and the wrong stuff, I would like to repeat
7 what I was getting the point across to you to the jury.

8 THE COURT: All right. Well, here's the way that
9 works.

10 You don't get to just get up on the witness stand and
11 start talking like you did to me and just say everything
12 that comes into your head. You have to answer questions
13 that are asked of you by the lawyers.

14 So whatever it is that you're trying to get across to
15 the jury, you have to do that by answering Mr. Warder's
16 questions and the solicitor's questions. You have to be
17 responsive to their questions. You can't just go off on a
18 tangent like you did earlier.

19 THE DEFENDANT: Oh, I'm thinking testifying is me
20 being able to do that, what I just did without the cuss
21 words to the jury, like, more or less, how I just in the
22 line explained the truth to you.

23 THE COURT: Well.

24 THE DEFENDANT: I was thinking that me testifying gets
25 me to do that. That's why I was under the impression. But

1 what do I have to do for me to be able to do that? Do I
2 get to sit from here and do that, or do I have to testify
3 for them to see what I'm getting at?

4 THE COURT: Do you want -- do you want to give
5 information, testimony on information, for the jury's
6 benefit?

7 THE DEFENDANT: Not -- yes. I just -- I want them --
8 yes.

9 THE COURT: Well, here's the thing, and I assume you
10 and Mr. Warder talked about this.

11 Mr. Warder in his closing argument to the jury -- I
12 mean, the videos are in evidence. So he can talk about
13 those videos and point out anything you want him to point
14 out about the videos, what's in there, what's not in there.

15 THE DEFENDANT: Okay.

16 THE COURT: And that can be done without you
17 testifying. But if you want to testify, if you want to
18 provide information, you have to take the witness stand.

19 THE DEFENDANT: And what I was considering myself
20 doing, is that -- is that doing the information?

21 THE COURT: Sir?

22 THE DEFENDANT: The way I'm trying to present it, is
23 that -- is that the way that you -- you insinuating I do it
24 from here or up there? That's all I'm saying.

25 THE COURT: If you want to testify, you have to do it

1 from the witness stand just like everybody else.

2 THE DEFENDANT: Okay. Yes, sir.

3 THE COURT: But the point is you can't provide that
4 information like you did to me. You have to do it in
5 response to questions asked by the lawyers.

6 THE DEFENDANT: Okay.

7 THE COURT: In other words, you don't get to just
8 volunteer information. Your lawyer will ask the question.
9 The solicitor will ask you a question. You get to answer
10 the questions they ask. You don't get to answer your own
11 questions, and you don't get to ask questions. Do you
12 understand?

13 THE DEFENDANT: Don't get to ask me. Okay.

14 THE COURT: Are we clear?

15 THE DEFENDANT: Yeah. I'm just trying to -- I was
16 just piecing through my mind what I was fixing to say, is
17 that answering a question, I mean, asking a question,
18 because I don't want to get up there and then it's like I'm
19 disregarding what you just told me before.

20 So I was just piecing in my mind, because I -- I was
21 fixing to say the same thing I was fixing to say to a
22 certain extent. Yeah. I ain't going to disrespect your
23 courtroom, be in contempt or nothing. So I was just making
24 sure we're on the same page before it was done and you
25 thought I was --

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 THE COURT: Well, I don't know what page you're on.

2 THE DEFENDANT: Yes, Your Honor. I'd love to testify.

3 THE COURT: You want to testify --

4 THE DEFENDANT: Yes, sir, Your Honor.

5 THE COURT: -- up here on the witness stand.

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. All right. Anything else we need
8 to address before the jury is brought in?

9 MR. SIPPEL: Not from the state, Your Honor.

10 THE COURT: Okay. Bring them in.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: All right. Ladies and gentlemen, thank
14 you for your patience.

15 As you know, the state has concluded in their
16 presentation. So we're now going to proceed with any to be
17 offered by the defense.

18 Mr. Warder.

19 MR. WARDER: Thank you, Your Honor. May it please the
20 Court.

21 I would call as our first witness Hakeem Sexton, the
22 defendant in this case.

23 THE COURT: All right.

24

25

3 DIRECT EXAMINATION BY MR. WARDER

5 | A Spartanburg, South Carolina.

7 You don't -- don't lean in that microphone. It messes
8 it up. Just get close enough. It'll pick up your voice.
9 It should.

11 Q And the people that are in the -- sitting on your side
12 of the courtroom there, is that your family?

14 Q Your mother, your sister?

16 | Q The rest of your family.

19 | A Yes, sir.

21 | A Yes, sir.

23 | A Yes, sir.

25 | A It's -- it's really, like, to get -- it's the shorter

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

- 1 way to get to her job --
- 2 Q Okay.
- 3 A -- from where I stay. So it's a straight line to her
- 4 job.
- 5 Q When you say her job, who were you getting to work?
- 6 A My sister.
- 7 Q Okay. Is she seated back there?
- 8 A Yes.
- 9 Q And where did you meet to go to Duncan to take your
- 10 sister to work?
- 11 A Home.
- 12 Q Okay. Where was that at?
- 13 A I say five -- five -- not five miles.
- 14 Q Okay. What happened that day that was unusual in
- 15 Duncan?
- 16 A I was on the highway, and I didn't know lights was
- 17 behind me until I was already in gaining speed and instead
- 18 of --
- 19 Q You said you were gaining speed. Where did you start
- 20 gaining speed? Where were you coming from?
- 21 A I was leaving the store.
- 22 Q Okay.
- 23 A Stopped and got a pack of cigarettes and left the store
- 24 on the highway taking her to work. Gaining speed to get
- 25 onto the highway from the exit-entrance ramp.

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 Q Okay. what happened that you don't usually notice
2 behind you?

3 A Sir?

4 Q what happened behind you in your rear-view mirror?

5 A Oh, lights was -- lights was flaring.

6 Q Blue lights?

7 A Blue. I can't. Nah, because they wasn't really blue.
8 They was like white and red, yellow. They was like side
9 more lights, like not more that's what you see at the top
10 that's flaring in easy view.

11 These was some -- some headlights and all but that
12 was -- I was already on the highway gaining speed by 10 --
13 like the 101 exit. That's when I looked back going in the
14 curve.

15 That's why I say highway, because I hadn't got off yet.
16 It's still an exit ramp, but I haven't got off yet to the
17 red light of the exit ramp.

18 You see what I'm saying? Like for me to describe, like
19 it happened. I noticed him when I was on the exit ramp,
20 would be I'm at the red light at the exit ramp. I noticed
21 him coming up to it, the red light, and that's on 101.

22 Q Okay. It was -- what did you do when you seen it
23 coming?

24 A Sir?

25 Q what did you do when as it approached you in that

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 intersection?

2 A Oh, I -- I continued on because I noticed it came outta
3 nowhere. I knowed I hadn't did anything. So how it came --
4 how it just kept following, how it just kept following me.
5 It was something. But you gotta think. I didn't know.

6 It don't look like the ordinary police car. He
7 wasn't -- he wasn't in a cruiser, a patrol car or a charger
8 or nothing. I don't know what kind of car it was. Might
9 have been a Hyundai. You see what I'm saying?

10 Q Okay.

11 A But I -- I noticed the lights and the -- the lights
12 flare. You got to think. This is 2020. So I was -- I was
13 not -- had no license.

14 And this at the brink of all of this that we hear about
15 with the -- the police brutality and the shootings and all
16 of that, this is 2020, around Corona time.

17 So with all of that going on and stuff, we look on our
18 T.V. We see that. We look on our phone. We see that.
19 That's 2020, not -- not this -- the year 2021 when that
20 happened December 17th.

21 So I noticed -- I wasn't doing nothing. The video
22 that -- that we were -- brought to our attention shows you
23 that I wasn't doing nothing wrong.

24 Q Okay.

25 A And when I was --

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 Q Hold on just a minute.

2 (Pause.)

3 (Whereupon, the video was played for the jury.)

4 MR. WARDER: Your Honor, I think we have the wrong
5 video.

6 THE WITNESS: Yes.

7 THE COURT: Well, y'all can change it.

8 (Pause.)

9 THE COURT: After y'all get that cued, let us know
10 what exhibit number that is.

11 MR. SIPPEL: Yes, Your Honor. That is State's
12 Exhibit 1.

13 (Whereupon, the video was played for the jury.)

14 Q That's your car, the little red car that went by?

15 A Yes, sir. And the signal light was on. And I noticed
16 earlier I heard that it wasn't if I may add that.

17 Q Okay.

18 (Whereupon, the video was played for the jury.)

19 A I'm told that I -- I ran that. He says that I ran
20 that. Stop right there. It doesn't show that.

21 Q Okay.

22 (Whereupon, the video was played for the jury.).

23 A As you can tell, he's already in pursuit with me. He
24 is -- from his end, he's already in pursuit. And I don't
25 know he's in pursuit. He said -- he says that he was going

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 to pull me over for traffic seat belt.

2 THE COURT: Can y'all stop that just a minute? Just
3 pause that.

4 Mr. Sexton, the court reporter can't hear you testify
5 while that noise is playing. So they're going to have to
6 stop the video, and then Mr. Warder can ask you whatever he
7 wants to about what's been shown.

8 MR. WARDER: Thank you, Your Honor. That's a much
9 better way to proceed, Your Honor.

10 Can you start and place us some more?

11 (Whereupon, the video was played for the jury.)

12 A This is 101.

13 MR. SIPPEL: Objection, Your Honor. No question was
14 asked.

15 THE COURT: Mr. Sexton, remember what I told you.

16 THE WITNESS: Oh, I thought he was still asking
17 pertaining and what was I doing that way in Duncan.

18 THE COURT: Don't answer until he asks a question.

19 THE WITNESS: Okay.

20 Q Get a little farther down.

21 (Whereupon, the video was played for the jury.)

22 Q Okay. Can you tell us what happened there that morning
23 that we just watched the video?

24 A Yes. When I -- when I say the 101 when I notice him, I
25 mean the mile marker, how you looked over and you seen the

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 mile one -- 102 -- whichever one that said. That was when I
2 noticed, but I don't have license, sir. So upon me taking
3 her to work, I was unaware of that ticket, unpaid tickets,
4 for not -- for driving without a license.

5 Q Okay. You were taking your sister to work?

6 A To work, yeah.

7 Q And you didn't have --

8 A I came back around to go back towards my home and ended
9 up keeping straight, and that's where we end up at the field
10 right there.

11 And when I turned around, he tried to play chicken with
12 us, like he cut the car off. And when I noticed that I'm,
13 like, what. He like to hurt us, like, he -- I'm coming back
14 up the road and he deliberately cut his car.

15 Q Okay. why did you not stop? why did you run?

16 A when I got outta the car?

17 Q well, why did you not stop, first?

18 A You said but for the -- oh, I don't have license. I
19 had just -- frantic from all the videos and stuff I was
20 watching and already driving with no license, so that was
21 interacting with them by him pulling me over.

22 Q Okay. what did you do when he pulled you over?

23 A Sir?

24 Q When you got stopped there, what did you do?

25 A Oh, well, he played chicken with us. Yeah. That --

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 that scared -- that scared me once more. I'm already scared
2 of law enforcement, but that scared me when he cut me off
3 like that. So I hop out and fled, fled towards a fence.
4 But the fence -- the fence is right there by the highway.
5 So you can tell that you can --

6 Q Can we see the fence?

7 A The fence is over there towards them bushes. I noticed
8 that running that way. You heard me?

9 Q Towards this side?

10 A Yeah, but back, back towards the woods, like, how he
11 was coming up that road if you want to -- if you want to.

12 Q Okay. What did you do?

13 A If you want to rewind a little bit so he can see the
14 other side of this road because he was going down it before
15 he turned around and showed this part.

16 It shows the fence, because remember the officer said
17 there wasn't no building right there. It's a plant or
18 something right there that the fence was going around.

19 He had the -- the weapons drawn on him. So I just
20 walked back to him. He had a firearm drawn on me, like it's
21 an officer cutting me off. Officer that's out there without
22 a badge, I mean, a body camera, the officer that was out
23 there with a body -- he's farther back as I'm coming towards
24 him. If he turned his car around as I'm running that way
25 through the bushes to go towards the highway, but it's a big

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 step as I get there. That's surrounded by a plant because
2 other officer said there's nothing, it's just woods right
3 there. No. It's a plant and a fence -- a fence right there
4 if anybody want to go there right now.

5 He had that gun out. He said freeze. When I -- when
6 I -- when me and him looked at each other and he had that --
7 when we had straight -- straight me walking to him when I
8 seen him with that gun chasing after me and I see the other
9 officer that we're fixing to see that didn't have a body
10 camera on, he's cutting me off, and he's the way that I'm
11 running to.

12 You see what I'm saying? I am running -- I'm actually
13 running. That's the front of the vehicle. I'm actually
14 running towards the back of the vehicle but in a straight,
15 dark line. I'm going that way, but I'm in a straight, dark
16 line.

17 He -- the officer, the other officer, that came out
18 there, he's coming -- it's a car going to pull up right
19 after while he is apprehending me. He is cutting across
20 that way. You fixing to see it shortly after. And that --
21 that is the officer that was out there.

22 So I'm -- I'm -- when he pulled a gun out on me, I'm
23 walking to him. Me and him are looking at his eyes.
24 Earlier I see that. It was told that I was -- as he came to
25 me with the gun I was sitting down trying to do something.

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1 He said -- he said I was doing stuff with my hands.

2 We watched the camera. No. I wasn't. I was on my way
3 straight to you with my hands up, sir. Okay. I'm getting
4 down. He had the gun out.

5 You could -- I could see him when he said I'll shoot.
6 I could tell how he was chasing at me with -- chasing at me
7 with the gun out, because I could see him --

8 MR. SIPPEL: Your Honor, object. I believe that the
9 question was answered long ago. This is now just --

10 THE COURT: Be sure you respond to a question.
11 Go ahead.

12 THE WITNESS: Okay.

13 Q And when they had the gun out on you, did you -- did
14 you surrender or stop?

15 A Yes. I was already -- yes. I was already like this
16 when he had the gun out.

17 Q You told us he said.

18 A He said -- I followed his command. He said get down,
19 cover up or I'll shoot.

20 Q Did you?

21 A Yes, I did. He did like this, put me behind my back.
22 And he put the hands behind the back.

23 Sir, when he picked me up and walked me back to the
24 car, I thought I was going to jail for failure to stop for a
25 blue light. As we can see on this video, this day didn't

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Direct examination by Mr. Warder

1 end. I didn't have anything.

2 Q Okay.

3 A He's -- he's sitting there saying this, and I know I
4 didn't have anything. I followed your commands. You tried
5 to -- he tried to say that I was doing stuff that his body
6 camera wasn't showing while I was there. And I know. You
7 watched me walk to him with my hands like this up in the air
8 and lay down once he had that gun fired, pointed at me.

9 Q Okay. Did you lay down?

10 A Threatening to fire on me. That's what I'm trying to
11 say. Sir?

12 Q Did you lay down on the ground?

13 A Yes. I did, sir.

14 Q There's been some testimony that you -- you hid
15 something, you put something.

16 A Exactly, and I know I didn't, sir. I didn't have
17 anything, nothing, on me. My sister had nothing. I had
18 nothing.

19 I was going to take her to work, and I don't have
20 license, because the sick lady that's in the courtroom now,
21 in here today, she couldn't go there and she was really --
22 she's -- she's almost 70 and she couldn't take her that day,
23 under the weather. I took her without -- with no license on
24 my account -- on my account just to be --

25 Q Was there one or two officers there?

Hakeem Kwame Shonte Sexton
Direct examination by Mr. Warder

1 A Sir?

2 Q Were there one or two officers?

3 A No. It's one officer here at the time. Right at this
4 time that I'm speaking of, it's the officer that's in this
5 car. No. I don't see the other one yet.

6 Q Okay. Does that officer have a body camera on?

7 A It happened so quick that -- the way I was going
8 backwards towards -- towards the other -- towards the
9 highway, but it's a fence the way that you can't just keep
10 straight until you meet it on down. You got to like run
11 along -- run along side of it to -- it's -- it's right
12 there.

13 You -- I don't know if his body camera showing right,
14 but it's a fence right there that I could see when I was
15 actually going backwards, back his way, because you could
16 see. It's like, more or less, a 4-lane highway or something
17 that's like that that you can cross over.

18 So my intention is to get away from this guy with this
19 gun out. I -- I felt like I was just going to get away in
20 the car.

21 I'm sitting here being honest. I'm not lying under
22 oath. I felt like I was going to get away in the car just
23 because I ain't got no license, sir. No B.S. When he
24 played chicken with us, I said I had to get out of this car.
25 I took out -- my sister came.

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Direct examination by Mr. Warder

1 Q Did there come a time that they arrested you?

2 A Yes, yes. That's when -- the time while they was
3 arresting me is the time when I'm speaking of the second
4 officer, is I'm speaking right now about the second officer
5 that was right there. But at that very time right there I
6 don't see him. I'm running straight back along that fence,
7 like straight that way.

8 Notice the fence, and now I'm actually having to come
9 alive, and he posted don't be moving I'll sleep -- I'll
10 shoot.

11 By that time the other officer right there, the one
12 that was trying to cut me off, but then you see him. He
13 walks. He picks me up after he -- this is after he arrested
14 me that I'm speaking of.

15 As I play, it sounded different now, because, like I'm
16 seeing it before, so you can hear on the mic. But if I may,
17 you'll see what I'm saying as I say it.

18 Q Okay. Did they take you in custody here?

19 A Yes. Right there.

20 Q Okay. Play more.

21 (Whereupon, the video was played for the jury.)

22 A If I may, that's the officer that was behind on the --

23 Q Okay. You said the officer that that --

24 A I don't know if that's --

25 Q That's on there?

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Direct examination by Mr. Warder

1 A Yeah. I don't know if that's the one from the truck or
2 the one that was actually cutting me off, because remember
3 as he apprehended me there was officer right there, as he
4 picked me up right there and said go stop that car. And he
5 turned around.

6 There was the other officer coming. I just don't know
7 if that's the one. From this view here, I just don't know
8 if that's that one right there or the car that was behind
9 his car, because you could see when they take me back to the
10 car.

11 Q Did they --

12 A There's a car behind that car. Sir?

13 Q Okay. Body camera's on?

14 A To my knowledge, because these videos -- the -- the
15 other officer didn't have a body camera on because of these
16 videos I was shown.

17 Q Okay.

18 A But is this the one I was -- is this -- is this the one
19 where he chased after me, or does this end?

20 Q Wait.

21 (Whereupon, the video was played for the jury.)

22 Q The man that came out, was that you that just walked
23 across the highway?

24 A Yes, sir.

25 Q Okay. And had -- had anybody found any drugs or shown

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1 you any drugs then?

2 A No, sir. No drugs. I'm under the impression that I'm
3 just going to jail -- at that point I'm failure to stop for
4 blue light is -- is what I did.

5 Q Okay. And where did they take you? They took you
6 across the highway?

7 A No. He -- I think that's -- I don't know which car
8 that is right there, but it was facing that way. So that's
9 the car, because I got in the passenger seat. So that's
10 possibly the car that -- he didn't take me across the street
11 though. He walked me straight to a cruiser. I don't even
12 know if it's his with these three.

13 Q You got in the back seat of a car. Is that what you're
14 saying?

15 A Got in the front seat. There was a dog in the back.

16 Q Dog in the back. Front seat of the car. You haven't
17 been shown drugs. Is that --

18 A No. No drugs.

19 Q Okay.

20 (Whereupon, the video was played for the jury.)

21 A It must be the next video. I seen this video ending.
22 I don't even know if that was the officer that I was
23 explaining that was cutting me off.

24 MR. SIPPEL: Your Honor, objection. Again, there was
25 no question.

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Direct examination by Mr. Warder

1 THE COURT: well, I think he was just commenting on
2 the video.

3 (Whereupon, the video was played for the jury.)

4 MR. WARDER: Apologize, Your Honor.

5 (Pause.)

6 (Whereupon, the video was played for the jury.)

7 A That's the officer. That was the second officer I'm
8 speaking of.

9 Q Have you been showed any drugs by now on this video?

10 A No, sir.

11 Q You were back at the police cars?

12 A Yes, sir. That's what -- when I heard them say that as
13 he picked me up off the ground to the dispatcher lady like
14 he was throwing drugs on the highway. Sir, no it wasn't.

15 So when he said that and then turn around and take me
16 to the car while not finding drugs right there, mark a spot
17 for that other officer that I told you that was cutting me
18 off, that officer right there is the same one.

19 Q Okay. And you didn't have any drugs.

20 A No, no, sir, no drugs. They searched me, the car. No
21 drugs, no drugs.

22 Q Okay. Now, are you put in that car?

23 A Yes, sir.

24 Q Okay. And do they leave with you immediately when they
25 put you in the car?

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1 A No. I sat -- I sat there. I sat there a little
2 second, because they had to call an ambulance. As you
3 watch, he dropped me on the way back to the cruiser and
4 picked me back up by that -- by that other arm. With him
5 doing so with all of that weight, with him picking me up,
6 this arm was out of place.

7 If you -- if you'll remember on our way back, I was
8 like, sir, my back -- I'm not -- you might have to stop
9 again because the nerves.

10 It's like it -- when he picked me up by all of that
11 weight from this side, he picked my arm up, like you watch
12 him drop me and try to pick me back up. He picked all of
13 this weight up by this arm here and it was -- it was -- sir,
14 I don't even think you -- I don't think you can fathom the
15 pain.

16 Q Okay. You saying all that weight. How much do you
17 weigh?

18 A At that time, it's pretty clear-cut for you to see.
19 I'm like 260 or 280. So, yes. When I was picked up by a
20 limb with that much weight of my own, it tore something.
21 They called the ambulance out there. I'm pretty sure that's
22 your video five, but they got my arm together while I was
23 sitting in the car.

24 Q Okay. How long did you sit there?

25 A No. He did all of this from the police car. They just

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1 brought ambulance. I never walked to it. I'm just letting
2 you know the severity of what happened when he picked me up
3 by my arm after y'all watched him drop me on the ground. I
4 never walked to an ambulance or anything. It just was
5 called because of the severity of the pain that was going up
6 here.

7 THE COURT: Mr. Sexton, be sure you respond to the
8 question that's being asked you.

9 THE WITNESS: Yeah. And he asked me did he take me to
10 that cruiser.

11 Q How long was it before they showed you any drugs?

12 A He came back outta the woods with the other officer, as
13 I been explaining to y'all, that cut me off. He come back
14 awhile later, after 15 minutes if I ain't mistaken -- 15.

15 we can -- we can judge that way. Yeah. I say, yeah,
16 15, but I'm trying to figure out what was done in that
17 duration because I'm in the car and no drugs have been found
18 from me to the point you picked me up at.

19 You -- I watched him sit in the same seat as me and say
20 they was a foot away from where I apprehended them. I
21 heard -- I heard them say that.

22 Q well, did you put any drugs there?

23 A No, sir. I didn't have any drugs. I didn't have
24 nothing on me, sir. You heard me telling. I didn't have no
25 money. What is you talking about the drugs?

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1 I'm trying to get my sister to work and now I know I
2 ain't got no license trying to take my sister to work and
3 end up fleeing from law enforcement. Now I'm about to go to
4 jail for failure to stop for a blue light. I'm already sad.
5 I was sitting in the car. I'm sitting there sad like, damn,
6 I'm about to go to jail for driving with no license.

7 Q Well, tell me the first time you actually saw the
8 drugs.

9 A He came to -- he came to the car and lay -- when I -- I
10 didn't see no drugs then as he came to the car. He just sat
11 some stuff on the hood.

12 Another officer that was there, he was not presented
13 today. I seen like analyst, a Greenville County lady, but I
14 never seen who held the baggie up at the -- at the hood of
15 the car and said I didn't see him here today, said look what
16 we found. He doing this with drugs at the front of the car.

17 Q He stuck his tongue out?

18 A He stuck his tongue out at me, look what we found,
19 not -- not no arresting officer. Another one that was
20 there, I'm positive.

21 At that point, that's when I found out that they said
22 that the drugs was mine. All of that's after he cut his
23 body camera off from the videos we watched earlier.

24 Q Okay. Now, the one officer cut his video off for ten
25 minutes so that his dog could relieve himself, is that

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1 right?

2 A As he say, yes, Your Honor, no drugs as no -- you've
3 watched me apprehended. You watched him handed to another
4 office, walk back a little way ways, do something with his
5 feet and then tell the other officer that don't have a body
6 camera to go to where he just did all of that at, at the
7 same spot.

8 He said that -- he sat right here in this seat and said
9 that they was a foot away from. That officer -- he passed
10 that officer on the bag and bring me back to the car. No
11 drugs -- no drugs still have been found or brought to
12 anyone's attention by him, by the other guy. No drugs. I'm
13 being charged --

14 Q Go ahead.

15 (Whereupon, the video was played for the jury.)

16 A I told you.

17 Q Okay. That was you there, standing there.

18 A Yes, yes, sir. I was standing at the end of the video
19 because, as you can see, I didn't know that there was a
20 police officer.

21 THE COURT: Just a minute.

22 Please respond to the question. The question just
23 asked, was that you. So that's a yes or no.

24 THE WITNESS: Yes. Okay. I see what you're saying,
25 Your Honor.

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1 Q Had anybody showed you any drugs yet at that time?

2 A No, Your Honor, no, sir.

3 Q Okay. And you never had any drugs there?

4 A No, sir. I never had anything. That's why we're here
5 today. That's why we're here today.

6 Q Did they take you on to jail after that?

7 A I sat there. I sat there a little second. I'm -- I'm
8 aware that I'm not seeing the other officers there or them
9 at the hood with it or the search of the drugs and all after
10 I been apprehended and placed in the car. I don't see none
11 of that. So I sat there while all of that was going on.

12 Q Okay. Is that car -- the window right -- is the car
13 right ahead where the drugs are laying on it or whatever it
14 is there laying on it?

15 A No, no, no, no. That's not it. That's the car of the
16 one that I was telling you that cut me off, because I told
17 you it was two -- it was two out there.

18 That's -- I was speaking on it before we got to this
19 point in the video -- of the video. So you probably was
20 thinking like, dang, he -- he saying that earlier. Nah.
21 That's the car. That's the car I got in. That's the car
22 they said I ran from on the right, not the left.

23 Q Okay. So the car on the right is the one you get into.

24 A Yeah, the car on the right is the one I get into.

25 That's the one they bring the drugs to.

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1 Q okay.

2 A That's where they brought the drugs to. The car on the
3 right, they sat on the hood after I'm already in the car.
4 They -- they brought that later, like, watch, I'm fixing to
5 sit. I'm fixing to sit in that car for a little ways.
6 Kinda like sitting in the car at least 20 minutes while they
7 was out there.

8 (Whereupon, the video was played for the jury.)

9 A That's why I told them I didn't acknowledge he was an
10 officer. Don't look like a police car. Look like a B.M.W.
11 or a Hyundai.

12 MR. SIPPEL: Objection, Your Honor.

13 THE COURT: Don't talk while the video's playing.

14 THE WITNESS: Yes, Your Honor.

15 A That's the -- oh.

16 Q Had you ever been up in that area where the dog is at
17 now?

18 A No, sir. Mind you, you watched me turn around and come
19 to him. So there's no way that I got far off in that area.

20 The -- the -- before that -- that hill or whatever he
21 was trying to describe was where I was telling you I was
22 running towards the fence.

23 That's -- all of that area back down there, I never
24 made it to none -- none of that because where -- where I was
25 standing at when you seen me on camera with my hands up was

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1 as far as I made it. I was already turned around.

2 Look at it. If you see, he's talking to me. He's
3 talking. He's talking to me, because I ain't went no --
4 he's looking.

5 I took a step like that one and lay down, like, lay
6 down for it. All that back there in the distance, I never
7 even made it that far. Drop down for me, put the handcuffs,
8 take me to the car after he dropped me on that arm, sit me
9 in the car.

10 This video goes blank. It's -- it's still -- he's
11 still never said anything about no drugs being found at this
12 point here, and I see the other officer there. That's the
13 one that I was telling you earlier before it actually got to
14 this video that was cutting me off. He was down farther
15 that way. I had already surrendered to the officer. I had
16 already surrendered to the officer. I'm in -- I'm in
17 custody already.

18 Q Okay. Now --

19 A Been in custody.

20 Q Is that the officer -- have a body camera on?

21 A To my knowledge -- to my knowledge, because of facts
22 that have been brought to us, no, he doesn't.

23 There's no way I would have knew that then. I knew
24 that because of the fact brought to us. That's who was in
25 the woods when I was in the car.

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1 Q Okay. That's the end of that video.

2 A Okay. That officer that -- if you make one I just
3 attached where we see that person standing there, it
4 shouldn't be more than three seconds.

5 Q Okay. None of that time as when that camera is cut
6 off, you didn't -- haven't been shown any other drugs.

7 A No, sir. I'm already at the car, in it. It's still no
8 drugs being found at this point, and I've been in the car,
9 and he walks back, that one. That other guy stayed out
10 there the whole time. The other guy's been out there the
11 whole time since he was trying to cut me off like making
12 sure of running that way.

13 Q Sure.

14 A So he's been out there since then. He held me for one
15 second while that police walked back that way. Then he went
16 back out there after the police patted, like he stood right
17 there where the officer picked me up at. He stood right
18 there.

19 As the officer come back and grabbed me, he goes out in
20 that field by himself with no body camera. He goes in that
21 field with no body camera by himself.

22 (Pause.)

23 A No drugs could have been presented to me at this time
24 while --

25 THE COURT: Mr. Sexton, he hasn't asked you a question

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1 yet.

2 THE WITNESS: Yes, sir. Sorry. It was from the last
3 one.

4 Q How long was it until they told you and showed you and
5 charged you with drugs?

6 A It's -- it's more than -- it's more than 20 minutes.
7 It's more than 20 minutes from me being in that car. I sat
8 in that car a little second. When I say a little second, at
9 least 20 minutes.

10 After he brought me back to that car before -- before
11 it made it to this point with the dog, I sat there. I sat
12 there. You watched. Well, this must be those 20 minutes.
13 This is it. This is the 20 minutes, because I'm trying
14 to -- with this video stopping, I'm trying to see which
15 video is the video.

16 So these are the 20 minutes after this. So, as I'm
17 trying to explain it, yes, I was sitting in the car from the
18 last video that we just watched. I'm sitting in the car
19 those 20 minutes that I'm saying that they out there or
20 after this video. You see how with it being different
21 videos that it's like it wasn't matching, what I'm saying,
22 but now you see.

23 Q Tell us the first time they showed you any drugs.

24 A First time I seen drugs, the officer that lifted off
25 the car and did like that and shook them, the first time I

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Direct examination by Mr. Warder

1 seen some drugs.

2 On our way to the jail, you remember me bringing it to
3 his attention if we may watch that video as it continued. I
4 brought it to his attention.

5 what was that -- what that officer doing with the drugs
6 in his hands, shaking it, and you know you just apprehended
7 me and took me back to the car? And I didn't have anything.
8 You searched me, the car I'm in, put me in a police car and
9 go back out there with your dog and still haven't found that
10 yet until you cut your body camera off.

11 I was also with another -- also with another officer
12 being out there without body camera. So I'm like I'm still
13 under the -- I still don't know that it was drugs until he
14 brought it to the car. This after they sat out there for 20
15 minutes, the two officers.

16 The one that shook it like this ain't even the one that
17 went out there. When he came back -- when he came back
18 first, and then the other officer came back, a third one
19 that pulled up, he must've been with those -- the black
20 officer that came up here and spoke, he must have been with
21 him. He's the one that held up and shook it. But the 20
22 minutes that this officer --

23 Q Did he hang his tongue out as he showed it?

24 A Yes, he hung his tongue. I'm surprised I don't see
25 that video because you even see me explaining it to the

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1 officer. why he stick his tongue out and shook that little
2 bag? what was that? Answer. what was that?

3 Q was he grinning, frowning? what was his facial
4 expression?

5 A It was -- it was a sinister grin. He gave me a
6 sinister grin, like I had been sitting in the car 15 minutes
7 after I been apprehended -- 15 or 20 minutes at least.

8 That time I'm talking about is during whatever happens
9 during this -- this video stops and it don't go no farther.
10 whatever -- that was in them 15 or 20 minutes that I'm
11 speaking of. I don't know.

12 After that is when that man shook it, after that. And
13 he not the one that walked into the car. He just came up to
14 the car from another officer and said that look what we have
15 here.

16 Q Had you ever seen the drugs he showed or the bag he
17 showed?

18 A No. I hadn't never seen it. Sir, I didn't have
19 anything. There's no way I would've seen that prior.
20 There's no way.

21 He didn't even -- that wasn't seen when he apprehended
22 me out there. That wasn't seen then. And he -- he's not --
23 not once did he say that was found then while I was out
24 there. That was considered found after he cut his body
25 camera off and I been in the car.

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1 An officer come up and shaking the bag after the police
2 put it on the scale -- officer what's his name. He picked
3 one of them up off of it and lick his tongue out, gave me a
4 sinister grin, a grin you don't even grin back to.
5 That's -- he gave me one of them grins, a grin you don't
6 grin back to. It was a sinister.

7 How you laughing at me holding up something that I know
8 ain't mine? Hold on. Y'all must be planted. What is y'all
9 doing? That's when I found out about the drugs.

10 I had -- I'm here today because I don't know
11 whatever -- whatever in the world happened when he cut this
12 camera off and without the other one having a camera out
13 there. I don't know what they did to come up with them
14 drugs. They had to prove it. They had -- I don't -- sir.

15 Q Did they go to their cars?

16 A Sir?

17 Q Did they go to their cars?

18 A Yes. They searched the car I was in. There was
19 nothing in there.

20 That came from outta there. They came straight outta
21 the woods, put it on the hood of the car, and then the
22 officer did that.

23 None of that is visual and I'm -- and I was -- I was
24 worried, why not. Oh, I know why not. Because I didn't
25 have anything, and it's clear as day I didn't throw anything

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1 because I was surrendered as you got close to me.

2 So all of this, but I watched you get up here and say
3 that he was putting stuff places and you found baggies over
4 there.

5 I was surrendering as soon as you got to me. How was I
6 doing all of that? I don't know what. So he's making --
7 he's saying it with no vision to it. And I'm like what --
8 what is -- they were leaving it.

9 I get these videos. I see the video, what's done up
10 until the point he cut the camera off. Oh, you done took me
11 back to the car and put me in the car and went back out
12 there and deliberately cut your camera off for your dog to
13 poop while an officer is out there the whole time without a
14 body camera while I'm being apprehended and put in the car
15 and there's two officers out there. One cuts the body
16 camera off and one ain't got one. No drugs found before you
17 cut your body camera off.

18 Next thing you know they come outta the woods, and one
19 of the officers picked drugs up off the scale because it
20 was -- it was a scale there, and it was some baggies. You
21 could see it.

22 I'm -- I'm in the passenger of the cop car. You could
23 see them drugs. He just -- they made -- they -- they said
24 it was mine. I know it's not mine. I didn't have anything.
25 You just searched me and took me to the car and went out

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Cross-examination by Mr. Sippel

1 there. Even with going out there, you cut your body camera
2 off. No drugs was found before you cut your body camera
3 off.

4 MR. SIPPEL: Your Honor, objection. I believe the
5 question was --

6 THE COURT: I don't remember what the question was.
7 You might need to ask it again, which he needs to
8 respond to it.

9 A He said it was any drugs --

10 THE COURT: Sir, I'm not asking you, Mr. Sexton. I'm
11 talking to your lawyer.

12 Q Did you have any drugs that day?

13 A No, sir, no, sir.

14 Q Did you have any methamphetamine or cocaine?

15 A No, sir. I had nothing.

16 Q Okay.

17 A I had nothing, sir.

18 Q Okay.

19 A Nothing.

20 Q Are you telling this jury you're innocent?

21 A Yes. A thousand, and these videos show this. These
22 videos show this.

23 Q Answer any questions the solicitor may have.

24 A I will.

25 THE COURT: That little thing that's on the end of

Hakeem Kwame Shonte Sexton
Cross-examination by Mr. Sippe]

1 that microphone, you knocked it off. would you put it back
2 on there, please?

3 CROSS-EXAMINATION

4 BY MR. SIPPEL

5 Q Mr. Sexton, as you just testified, earlier this
6 afternoon you admitted to not stopping when you saw the
7 lights flashing behind you, correct?

8 A I -- I admit to not noticing him until I got off that
9 exit when you just seen.

10 Q Hold on. Actually, I believe that you said you saw the
11 flashing lights and you did not stop. I believe that you
12 testified that. You felt like you were going to get away in
13 the car.

14 A I'm trying to understand. That's -- that's after --
15 that's -- anybody in a chase, sir. That's anybody.

16 Q So, again, you stated that you felt like you were going
17 to get away in the car while you were being pursued with the
18 lights on behind you, correct?

19 A That was after the point that I told him that I finally
20 noticed that it was him.

21 Q Sir --

22 A what you're saying is yes.

23 Q okay.

24 A You're saying like it's the whole time, that whole --

25 Q But --

Hakeem Kwame Shonte Sexton
Cross-examination by Mr. Sippel

1 A I don't know at what point you start with.

2 THE COURT: Hang on. You'll have to take turns.

3 MR. SIPPEL: Yes. I apologize, Your Honor.

4 Q After you recognized that it was a law enforcement
5 officer, you said that you felt like you were going to get
6 away in the car.

7 A Yes. You saying like that -- you asked me did I say
8 that?

9 Q Yes. That was your testimony.

10 A Yes.

11 Q okay.

12 A Yes.

13 Q okay. Thank you.

14 Now, you said that drugs were never brought up until
15 long after you had been sitting in the car, correct? That's
16 what you testified to earlier.

17 A He had -- he kept asking me did I have any when -- when
18 we say -- being technical, when we say was any drugs brought
19 up, he's asking have any drugs been brought to your
20 attention.

21 As you can see from this video, no actual drug, just
22 the question did you have drugs -- did -- what did you do
23 with the drugs. You can see, hear him asking me them
24 questions. But drugs brought to your attention, no. They
25 haven't yet. Not until I was in the car for 20 minutes

Hakeem Kwame Shonte Sexton
Cross-examination by Mr. Sippel

1 and --

2 Q Yes or no. Did you have a watch while you were in the
3 car?

4 A Sir?

5 Q Yes or no. Did you have access to a watch while you
6 were in the car?

7 A Access to a watch? How? My hands are behind my back.

8 Q Okay. So the answer would be no.

9 A Are you saying that so, to figure out --

10 Q Yes or no.

11 A -- 20 minutes, was they in 20 minutes?

12 Q Yes or no. Did you have access to a watch while you
13 were in the car?

14 A Access to a watch with my hands behind my back? No.
15 Access to time with him having a -- a -- a monitor with the
16 time on it, see how that video was in there? You trying to
17 ask me access to a watch? A watch is a watch. I don't have
18 access with my hands behind my back.

19 You ask me am I able to tell the time while sitting in
20 car, it seems like, but asking me do I have access to a
21 watch. How if my -- so ask me do I have access to time or
22 access to a watch? Because if my hands are behind my back,
23 I definitely don't have access to a watch.

24 Q I apologize. Please let me rephrase.

25 Actually, I was just going to go to a different

1 question.

2 Earlier today you testified at first you didn't know
3 how long were you in the vehicle or how long it was until
4 they came from -- that's what you originally testified.

5 A It's -- that's -- I don't understand. I don't
6 understand your question.

7 Q while you were on the stand and Mr. Warder was
8 questioning you, originally, you said you did not know how
9 long it was when they -- you know, before they came back out
10 of the woods. Then later you said I don't know, maybe it
11 was 15 minutes. And now for the past few times you've been
12 very adamant that it was 20 minutes.

13 A That very first time, I'm pretty sure she said it was
14 15 or 20 if I ain't mistaken. It was 15 or 20 minutes
15 that -- you saying what I -- how much time I told her?
16 After me sitting in the car, I said I had to be sitting in
17 that car a cool 15 or 20 minutes at least -- at least.

18 All of that range open. I just know it wasn't fast as
19 you're trying to make it. So no faster than what you trying
20 to make it.

21 I just don't understand if it was longer, but we're
22 going to start with 15 and 20 as the range off the top. It
23 wasn't five minutes sitting right there. It wasn't ten.
24 That camera would have been turned. It was so long. Why
25 does -- it so long.

1 MR. SIPPEL: Your Honor, no further questions for this
2 defendant.

3 THE COURT: Okay. Thank you.

4 You may step down. You may step down.

5 Mr. Warder, anything else on behalf of the defendant?

6 MR. WARDER: No, Your Honor. That would be the case
7 for the defendant.

8 THE COURT: All right. Is there any reply?

9 MR. SIPPEL: None from the state, Your Honor.

10 THE COURT: All right. Ladies and gentlemen, that is
11 all of the testimony and evidence to be offered in the
12 trial of the case.

13 What remains to be done, as I told you earlier, the
14 lawyers will provide you their final summations, I'll
15 instruct you on the law and then you'll begin
16 deliberations.

17 We're not going to start that this afternoon. We'll
18 start that in the morning at 9:30.

19 So remember during the overnight recess, no
20 discussions, no research, no investigation.

21 Do have a good evening. Please report to your jury
22 room at 9:30 in the morning at which time we'll conclude.
23 Have a good afternoon.

24 (The following takes place outside the presence of the
25 jury.)

1 THE COURT: All right. Any renewal of the motions or
2 additional motions to be made?

3 MR. SIPPEL: None from the state, Your Honor.

4 MR. WARDER: No, Your Honor. I just renew my motion I
5 made at the end of the state's case. That was for a
6 directed verdict.

7 THE COURT: All right. That motion is again denied.

8 All right. This matter is in recess until 9:30 in the
9 morning.

10 END OF PROCEEDINGS JANUARY 24, 2023

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closing arguments

1 (Proceedings January 25, 2023)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Any matters to address before the jury is
5 brought in?

6 MR. SIPPEL: None from the state, Your Honor.

7 MR. WARDER: None from the defendant, Your Honor.

8 THE COURT: Okay. Bring them in, please.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 As you know, when we recessed yesterday all of the
13 evidence had been received, and so what remained to be done
14 are the lawyers' final summations after which I'll provide
15 you with the legal instruction and then you'll begin
16 deliberations.

17 So I'll ask you to please give the lawyers your
18 attention now as they give you their final summations.

19 The state goes first, followed by the defense. Then
20 the state is provided an opportunity to briefly reply to
21 the defense's argument.

22 Mr. Sippel.

23 MR. SIPPEL: Thank you, Your Honor.

24 Ladies and gentlemen, as I told you in the beginning,
25 there are certain things that you just can't do. You can't

Closing arguments

1 run red lights, can't fail to stop and try and evade law
2 enforcement when they're trying to pull you over, and you
3 can't possess illegal drugs like methamphetamine and
4 cocaine base, or more commonly known as crack cocaine, with
5 the intent to distribute them.

6 Now, you can't do these things not only because
7 they're against the law, but, again, because they put
8 people's lives in danger.

9 All right. Now, in a moment after myself and
10 Mr. Warder address you, you're going to hear from the
11 judge, and he's going to address and instruct you on the
12 law for all of the charges that Mr. Hakeem Sexton, the
13 defendant in this case, is facing.

14 But before he does that I'm just going to briefly go
15 over them again.

16 So the first charge, failure to stop for a blue light.
17 Now, like I told you in the beginning, the state needs to
18 show that the defendant was driving on a road, highway,
19 interstate within Spartanburg County and that he failed to
20 stop when law enforcement signaled him either by lights,
21 you know, flashing lights or siren.

22 Ladies and gentlemen, I don't think that there's too
23 much to say on this matter. You saw the video. You saw
24 Mr. Sexton weaving in and out of traffic on I-85 after
25 officer Wright had already initiated the sirens and his

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1 flashing lights.

2 You saw him get off the exit on 85, still didn't stop
3 even though Officer Wright was just behind him. In fact,
4 he went into the left turn lane and made a right-hand turn
5 while the light was still red at that exit so that he could
6 get around those two cars that were legally stopped at that
7 red light at that exit, all in an attempt to evade law
8 enforcement.

9 I mean, you heard him say on the stand himself that he
10 was driving, he was driving on 85, he noticed Officer
11 Wright on exit 101 or mile marker 101, and he himself said
12 that he felt like he could get away in the car.

13 Ladies and gentlemen, that's failure to stop for a
14 blue light. He drove on a road or a highway, interstate in
15 Spartanburg County. He was signaled by law enforcement by
16 flashing lights and a siren. He didn't stop.

17 And, again, even when he saw him after he got off I-85
18 he didn't stop. He continued to drive recklessly. Went
19 through two more intersections that had red lights, and
20 then he squeezed his car in between two tractor trailers
21 driving on a 2-lane road.

22 You heard Officer Wright say he was scared for their
23 safety, the two people in the car, Mr. Sexton and his
24 sister who was the passenger in the car, because he
25 squeezed that car in between two tractor trailers on a

Closing arguments

1 2-lane road.

2 Now, the next offense, possession with intent to
3 distribute methamphetamine; and the third offense,
4 possession with intent to distribute cocaine base or crack
5 cocaine.

6 Now, like I said, just with the failure to stop, the
7 judge is going to instruct you on these offenses. He's also
8 going to instruct you on the lesser included offense of
9 possession of methamphetamine, possession of cocaine base.

10 Okay. But for possession with intent to distribute the
11 state needs to show that the defendant possessed
12 methamphetamine and cocaine base for those two separate
13 charges and that he had the intent to distribute them. So,
14 and for the lesser included the state just needs to show
15 that the defendant was in possession of those two
16 substances.

17 Now, the defense says that the drugs weren't found on
18 him, so how could he possess them. Well, in a moment the
19 judge is also going to instruct you on what's called
20 circumstantial evidence. And let's go through what the
21 state has shown so far throughout this case.

22 The state's shown that the defendant actively tried to
23 evade law enforcement; the state has shown that even after
24 the defendant tried to evade law enforcement in the car and
25 crashed the car, he proceeded to get out and flee on foot.

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1 All right. You heard the officer's direct testimony
2 about the defendant's reckless driving. You heard about how
3 he was driving so recklessly and was putting not only his
4 life but his sister's life in danger.

5 And, again, when he crashed, did he stop? No. He
6 didn't stay in the car. His sister stayed in the car. He
7 didn't.

8 He got out and he continued to run, went across the
9 street, went through that field, went through that tree line
10 and up over that little hill. And then magically out of
11 nowhere, then he stopped, gave himself up.

12 Now, you heard Officer Wright say that when Officer
13 Wright got towards the top of that hill he saw the defendant
14 laying down, moving some things around in the leaves, and
15 that after he was detained Officer Wright took his trained
16 canine dog, Officer Chaos, out to that area and instructed
17 him to search.

18 Now, I understand the entire search is not on that
19 body-worn camera, the video footage. But here's the thing.
20 There is no law that requires every aspect of a stop or
21 every aspect of a case to be captured on video.

22 There's no requirement that all officers have body-worn
23 cameras. That's why you see on Officers Wright's -- on
24 Officer Wright's camera, you see other officers on the
25 scene, but not all of them had body-worn cameras.

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1 Mr. Sexton and Mr. Warder talked about how there was
2 that other officer in the woods. He did not have a
3 body-worn camera. The Town of Duncan is not this large, you
4 know, huge police force with endless funds. They don't have
5 body-worn cameras, correct. It's as simple as that.

6 Now, when the canine unit searched out there the dog,
7 Officer Chaos, sat and indicated in the direct vicinity of
8 where Officer Wright saw Mr. Sexton, around leaves and
9 laying down before he was detained.

10 And what was found there? Three baggies of illegal
11 narcotics. Okay. One baggie that contained .73 grams of
12 methamphetamine, one baggie that contained 1.82 grams of
13 methamphetamine and a third bag that contained 3.61 grams of
14 crack cocaine, cocaine base. A total of 2.55 grams of meth,
15 a combined total of 6.16 grams of illegal narcotics between
16 the meth and the crack cocaine.

17 So how did the drugs get there? Did the defendant who
18 had just finished trying to evade law enforcement, crashed
19 his car trying to evade law enforcement, get out of his car,
20 run on foot, hid over the hill and try and hide them before
21 law enforcement could catch up to him, or did these officers
22 who hadn't met this defendant before, didn't know that they
23 were going to stop him until Officer Wright saw him go
24 through that initial red light, did they just happen to have
25 three bags of meth and cocaine base on them and decide, you

Closing arguments

1 know what, we're going to plant these, we're going to set
2 this guy up; or is Mr. Sexton just the unluckiest man in the
3 world and he happened to get detained after fleeing from law
4 enforcement in the exact area that these three bags of drugs
5 were already?

6 well, ladies and gentlemen, I submit to you that the
7 evidence in this case shows that it's the first of those
8 scenarios, that Mr. Sexton had the drugs on him, that he
9 tried to get away from law enforcement. Like he said, he
10 thought that he be would be able to get away in the car.
11 And when that didn't work, he got out, he ran on foot and he
12 tried to hide those drugs before law enforcement could catch
13 up to him.

14 Now, the defense said that he ran after he crashed the
15 car because he was scared. And you know what? I believe
16 him. I believe that he was scared. He says that he was
17 scared because of everything that was happening with George
18 Floyd earlier that year.

19 I submit to you that he was scared that the officers
20 were going to find those illegal drugs on him if they caught
21 up to him before he was inside, because he didn't just run
22 from the car that he crashed. He ran from the police
23 officers and he ran from his little sister who was still in
24 the car that he just crashed.

25 He is afraid of everything that was happening with

Closing arguments

1 George Floyd and that's why we ran, but he left his younger
2 sister who was in the passenger seat that he was supposed to
3 be driving to work in that same car that he just crashed
4 with law enforcement right there.

5 Now, the second element, intent to distribute. There
6 are a lot of different factors and things that you can
7 consider when taking into account whether you believe
8 someone had the intent to distribute.

9 You can look at how drugs were packaged, where they
10 were found, was there other things like scales, money, guns,
11 anything like that found with them. The weight of the
12 drugs, how much was there, are there more than one type of
13 drugs, there are a lot, they're little.

14 Those are all things that you can take into account
15 when making this determination. And there is no one, you
16 know, perfect combination of those that says, yep, that's
17 intent to distribute. So that is -- that is up for you all
18 to determine.

19 I submit to you in this case we have three different
20 packages of hard drugs -- meth, crack cocaine. We have over
21 two and a half grams of meth and over three and a half grams
22 of crack cocaine, cocaine base, and a combined total of over
23 6 grams of illegal drugs.

24 So we've got two types of drugs split up into three
25 bags, and we have over 6 grams of meth and one person at the

closing arguments

1 scene that was detained.

2 Now, I submit to you that this quantity of drugs
3 packaged in this manner is indicative of an intent to
4 distribute.

5 Now, you've all seen all of the evidence. You've heard
6 all of the testimony. At this time I ask that you take into
7 account everything you've seen, everything you've heard, and
8 you go back and you deliberate.

9 After Mr. Warder speaks to you I'll have a brief chance
10 to speak to you again, and then the judge is going to
11 instruct you.

12 At that time I ask that you go back, take everything in
13 into account, you deliberate and if you feel that during the
14 course of this trial the state has proven beyond a
15 reasonable doubt that Mr. Sexton is guilty of the charges
16 that he is facing -- failure to stop for a blue light,
17 possession of a weapon, intent to distribute meth and
18 possession with intent to distribute cocaine base, then I
19 ask that you find him guilty of these offenses. Thank you.

20 THE COURT: Mr. Warder.

21 MR. WARDER: Thank you, Your Honor.

22 I of course would like to start with thanking you for
23 being here.

24 This is an important case, and my client needed and
25 had a right to a jury trial, and we appreciate your being

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1 here and serving.

2 Now, I don't agree with all of the things the
3 solicitor said, but there's a few things that there's not
4 much question about, but in this case it's like when he
5 talks about the car crash. There was no car crash. It
6 didn't occur. There was no evidence of a car crash.

7 The officer said the car slid off the road into the
8 ditch. There wasn't a bent fender on the car. You know,
9 we perceived the same evidence here, but I submit to you
10 it's twisted. There wasn't a car crash. What happened
11 here is the car got slid off the road and stuck.

12 Now, let's look at this event from the beginning, and
13 I tell you that my client made the decision that he judged
14 to be the safest decision when he decided that he needed to
15 accelerate and, again, put some distance between him and
16 the police.

17 And I want to talk to you about just exactly how
18 people see things. You know, we don't see with our eyes.
19 We say we see with our eyes. We see with our brains, the
20 same machine that processes we hear with our brains.

21 In other words, our eyes are little receptors that
22 send nerve signals to our brain, and it creates images.
23 Our ears have little hairs in them that send sound waves to
24 our brain, and we interpret them. And the brain
25 interpreter is different.

closing arguments

1 My client was concerned about George Floyd and the
2 stuff because he had, what I would fairly call, the black
3 experience. He had been a black man in America when he
4 looks at his T.V. set and sees Goliath and somebody sitting
5 on the neck of somebody else.

6 He perceived it just a little different than I do or
7 many of my friends. We don't have the same fear, the same
8 concern. We don't have the black experience. And so I ask
9 you to think of all of the circumstances in this case.
10 Think what's really happened.

11 Now, the solicitor talks about the evidence and what's
12 there. I want to first talk to you about the law because
13 you'll have the privilege after I sit down, and if there's
14 any rebuttal. You'll have the privilege of hearing the law
15 from Judge Floyd [sic]. He will tell you the South
16 Carolina law that you are to apply to the facts as you find
17 them.

18 So in your deliberations you will decide what you
19 think the facts are, and then you will listen, and the law
20 that you remember, you'll apply it to those facts.

21 And I will tell you that I think this is a case that
22 has reasonable doubt. And His Honor will tell you about
23 reasonable doubt. And one of the things he will tell you
24 is that reasonable doubt can come from the evidence or from
25 the lack of evidence.

Closing arguments

1 In other words, if there's something that you need to
2 fairly and honestly try this case and get a just verdict
3 and it's not here, that would be a reasonable doubt from a
4 lack of evidence. In other words, the failure to something
5 to be introduced. And it makes no difference whose fault
6 it is. If I didn't introduce something or the state didn't
7 do something, if it's something that you need to fairly
8 decide this case, it can give rise to a reasonable doubt.

9 Now, in this particular case the video is not here,
10 and that would have been the thing that would have shown
11 exactly where my client was and wherever this search was
12 that found the drugs and where that was in relation to my
13 client, and it would have been crystal clear. And when
14 there's -- there's no testimony of how many video cameras
15 was out there beside what the solicitor says. No one
16 testified to how many of those phones.

17 We don't provide those to all of the officers on the
18 street. When they buy those cameras and they got that
19 money, they said of course, we need these to protect the
20 officers and to protect the public. And when we get a case
21 that the defendant needs that video to prove where the
22 officer was and what he did, didn't, we learn that they
23 don't have one.

24 And they give us the logical excuse. We shut it off
25 because the dog was going to the bathroom or the dog wasn't

closing arguments

1 going to the bathroom or something we see every day that's
2 so dramatic that we couldn't put it on the video.

3 I don't think I've ever had a case where I had a lack
4 of video because somebody wanted to shut it off to save the
5 embarrassment to the dog or the viewer. But I submit to
6 you that's an example of what something that would have
7 made it easy to judge the accuracy of this. But it's not
8 here. And I submit to you that would create a reasonable
9 doubt.

10 Outside of the concept of a reasonable doubt, you'll
11 have the privilege of His Honor talking to you about the
12 presumption of innocence, and that that's the presumption
13 of innocence that attached to my client when he came in the
14 courtroom.

15 And as His Honor has already told you, it will
16 continue with him throughout this trial, and it does
17 throughout this argument. My client is legally presumed to
18 be innocent, and that can only be removed if all 12 of you
19 decide that he's guilty and the state's proven guilt beyond
20 a reasonable doubt.

21 And you should figure and consider all of the
22 circumstances of this case, the circumstance that they
23 arrested my client, they took him to the car and at the
24 time he went down there was no drugs. And sometime later
25 they swoop in and say we found these up there on the hill

Closing arguments

1 in an area that was closer than a foot of him.

2 Don't you think that's disputed and my client is
3 saying he didn't have any drugs? And don't you think that
4 important video that they turned off would have been
5 helpful?

6 Don't let my client be denied a fair trial because
7 they want to shut off the camera. In this particular case
8 I submit to you the fair, the just and the right verdict is
9 the verdict of not guilty, not guilty because the camera,
10 because they shut the thing off. And I submit to you it
11 might have been shut off because it wasn't helpful.

12 You know, to my client this is the most important day
13 in his life, and he needs a fair verdict, a just verdict as
14 much as the state. And I submit to you in this case do the
15 right thing. That will be a verdict of not guilty. Thank
16 you very much.

17 THE COURT: Mr. Sippel.

18 MR. SIPPEL: Ladies and gentlemen, I'm going to keep
19 this very brief.

20 You heard Mr. Warder say that his client believed that
21 the safest thing to do was accelerate when law enforcement
22 tried to pull him over.

23 We saw his driving on that video. I submit to you
24 what he was doing was not safe at all. It wasn't safe for
25 him; it wasn't safe for his sister who was a passenger in

Jury charge

1 the car; it wasn't safe for anyone else that was on the
2 streets that day.

3 He went through multiple red lights. He turned right
4 from the far-left lane, and left from the far-right lane in
5 front of cars who were stopped at those red lights. What
6 he was doing was not safe.

7 Now, Mr. Warder says that, you know, there's a lack of
8 evidence, but I'd like to submit to you that Officer
9 Wright's testimony is evidence. Testimony is evidence.
10 What he said to you, that's evidence.

11 Now, I know that not everything was captured on
12 camera, and he addressed that, and it may not be an answer
13 that Mr. Warder or his client particularly liked, but that
14 is the situation that we are faced with today.

15 There is no requirement, again, that every aspect of
16 every instant be required to be captured on video, and
17 that's what happened here. Not everything was captured on
18 video.

19 But you heard Officer Wright say, and you heard in the
20 first video when he was detaining Mr. Sexton. He said what
21 did you get rid of out there, I saw you messing around with
22 some stuff. That's on video.

23 From the very beginning when he first detained
24 Mr. Sexton he believed that Mr. Sexton had tried to get rid
25 of something over there -- drugs, you know, what have you.

Jury charge

1 He even said I have a canine dog, he is trained to detect
2 narcotics, what did you get rid of out there. And that's
3 exactly what Officer Wright did. He went after the
4 defendant was brought down. He went and got his canine
5 dog, and then they went and conducted a search of the area
6 that they found Mr. Sexton in.

7 And, yes, the video was turned off because the dog
8 needed to relieve itself, but you heard his testimony. The
9 drugs were found in that area that Mr. Sexton was located.

10 And, ladies and gentlemen, based on that and based on
11 Officer Wright's testimony, based on all of the evidence
12 that's been presented to you, again, I ask that you if you
13 find the state has proven beyond a reasonable doubt that
14 Mr. Sexton is guilty of failure to stop for a blue light,
15 possession with intent to distribute methamphetamine,
16 possession with intent to distribute cocaine base, that you
17 do, in fact, find him guilty. Thank you.

18 THE COURT: Madam forelady and ladies and gentlemen of
19 the jury, you of course have heard and seen all of the
20 evidence in the case, and now you've heard the final
21 summations of the lawyers; and therefore it now becomes my
22 duty and obligation to instruct you on the law that's
23 applicable in the case.

24 Then you'll be asked to go back and to begin with your
25 deliberation, and through that process you're going to be

Jury charge

1 called upon to decide the facts, apply the law and arrive
2 at a fair and impartial decision, whatever that decision
3 might be.

4 It is your exclusive duty to determine what the facts
5 are. You do that through your own common sense examination
6 and evaluation of all of the testimony and the other
7 evidence received during the course of this trial.

8 You 12 jurors alone will decide what weight, value and
9 effect to give to any particular witness' testimony or
10 other evidence in the case. Your sole objective is to
11 simply render a fair and impartial decision based upon the
12 evidence presented by way of the state and the defendant.

13 In this case, as you know, the defendant has been
14 charged with three separate criminal offenses, although
15 they are alleged to have arisen out of one particular event
16 or a course of events which the state alleges occurred back
17 on December the 17th of 2020.

18 The three separate charges are set forth in these
19 three separate indictments. As I told you earlier, the
20 indictments aren't evidence. They don't prove anything.
21 They don't establish anything.

22 They're simply the charging paper, but each of the
23 indictments will serve as the verdict forms. So they'll be
24 in the jury room with all of the exhibits in the case. But
25 they're not exhibits themselves but that's -- the

Jury charge

1 indictments will serve as the form on which the forelady
2 will indicate the jury's unanimous decision as to that
3 particular indictment.

4 As to the charges contained in each of those
5 indictments the defendant has entered a plea of not guilty,
6 and, as you know, that plea of not guilty has placed upon
7 the state the burden of proving the allegations set forth
8 in each of those indictments, the burden of proving each of
9 the essential elements of the crimes alleged in each of
10 those indictments; and therefore the burden is upon the
11 state to establish the defendant's guilt as to a particular
12 indictment to the satisfaction of you 12 jurors beyond a
13 reasonable doubt before such a finding could be made.

14 The burden is never upon a defendant or a person
15 accused of a crime to prove that they are not guilty or to
16 prove that they are innocent because in some cases that
17 might not be possible.

18 The burden is always upon the state because they made
19 the accusation and they brought the charge to prove the
20 defendant's guilt beyond a reasonable doubt.

21 It is a vital, important and cardinal rule of law that
22 every defendant in a criminal trial, no matter how serious
23 the offense might be for which that person stands charged,
24 that person shall always be presumed innocent of that
25 charge, and that presumption of innocence remains with any

Jury charge

1 defendant, as it does with this defendant, from the time
2 that he is placed under arrest and throughout the course of
3 the criminal process and even throughout the course of the
4 actual trial in the case.

5 As I told you, that presumption of innocence will be
6 with the defendant even as you go back to begin with your
7 deliberations in the case, and that presumption of
8 innocence will be with him there, and it'll with him
9 forever unless you 12 jurors determine that he's no longer
10 entitled to that presumption of innocence.

11 In other words, after you have carefully considered
12 all of the evidence received during the trial, and from
13 that evidence you've been able to determine the material
14 facts that relate to the allegations contained in each of
15 the indictments, after deciding those facts you apply the
16 law that I will have provided you.

17 If you 12 jurors unanimously determine that his guilt
18 as to a particular charge has been proven beyond a
19 reasonable doubt, then he would no longer be entitled to
20 that presumption of innocence as it relates to that
21 particular charge. But it is only if, unless and until you
22 are satisfied of his guilt as to a particular charge beyond
23 a reasonable doubt that the presumption of innocence would
24 no longer be applicable.

25 Now, while the state does have the burden of proving

Jury charge

1 the defendant's guilt to your satisfaction beyond a
2 reasonable doubt, that doesn't mean the state has to prove
3 his guilt beyond all doubt or beyond any possible doubt,
4 but it does require the state to prove his guilt to your
5 satisfaction beyond a reasonable doubt.

6 The term reasonable doubt should be given its plain
7 and ordinary meaning. A reasonable doubt is the kind of
8 doubt that would cause a reasonable person to hesitate to
9 act upon the information provided.

10 The defendant is entitled to any reasonable doubt that
11 arises from the evidence, or lack of evidence, in a case,
12 and if, upon any factual issue essential to a finding of a
13 verdict of guilty you have some reasonable doubt as to how
14 that issue should be resolved, it would be your duty to
15 resolve that reasonable doubt in favor of the defendant.

16 Now, while there are various forms of evidence such as
17 testimony, photographs, documents, charts, videos and other
18 types of physical exhibits, there are really only two types
19 of evidence, and either or both of those types of evidence
20 may be used to prove any fact in issue. But the two types
21 of evidence are direct evidence and circumstantial
22 evidence.

23 Direct evidence is the testimony of a person who
24 testifies from actual knowledge of that fact. It is the
25 testimony by a person who has perceived the existence of

Jury charge

1 some fact by means of his or her senses, and then they come
2 into court and they testify as to what they have previously
3 perceived.

4 Direct evidence proves the existence of a fact
5 directly, and it does not require any deduction or
6 inference in order to establish that fact.

7 Circumstantial evidence, on the other hand, is the
8 proof of some other fact or a set of facts which taken
9 either singly or collectively may prove the existence of a
10 fact in question as a necessary consequence, that is
11 through a deduction or an inference.

12 An inference is simply a deduction of fact that may
13 logically and reasonably be drawn from the proof of some
14 other fact or set of facts.

15 In other words, it's a fact not proven by the direct
16 testimony of a witness based upon that person's perception,
17 but it is a conclusion which might reasonably be drawn from
18 the proof of other facts.

19 In other words, you may infer that a particular event
20 occurred or that a particular fact exists based upon the
21 proof of sufficient factual circumstances which would
22 reasonably warrant your arriving at a particular
23 conclusion.

24 The commission of a crime and any particular element
25 necessary to establish that crime may be proven by direct

Jury charge

1 evidence or by circumstantial evidence or by a combination
2 of both direct and circumstantial evidence.

3 The law makes no distinction between the weight or the
4 value to be given to direct evidence or to circumstantial
5 evidence. However, to the extent that the state relies
6 upon circumstantial evidence in order to establish the
7 commission of a crime, all of the circumstances proven must
8 be consistent with each other and when taken together point
9 conclusively to the guilt of the accused beyond a
10 reasonable doubt.

11 If these circumstances merely portray the defendant's
12 behavior as suspicious, then that proof is insufficient and
13 it fails. The burden rests with the state, regardless of
14 whether the state relies upon direct evidence or
15 circumstantial evidence or a combination of both to prove
16 the defendant guilty beyond a reasonable doubt.

17 Proof beyond a reasonable doubt is proof that leaves
18 you firmly convinced of the defendant's guilt.

19 There are very few things in this world that we know
20 with absolute certainty, and in a criminal case the law
21 does not require proof that overcomes every possible doubt.

22 If, based on your consideration of the evidence
23 presented during the trial of this case and in the exercise
24 of your own good judgment and common sense, you are firmly
25 convinced that the defendant is guilty of a crime with

Jury charge

1 which he has been charged, then you must find him guilty of
2 that crime.

3 And if, on the other hand, you think there's a real
4 possibility that the defendant is not guilty of a crime
5 with which he has been charged, then you must give him the
6 benefit of that doubt and find him not guilty.

7 Now, as I told you, you are the sole judges of the
8 facts in this case, and you are therefore necessarily the
9 sole judges of the credibility of each of the witnesses
10 that have testified during the trial of this case.

11 You 12 jurors alone will decide what weight, value and
12 effect to give to any particular witness' testimony or even
13 portions of it. But there are several factors which you
14 should consider in your evaluation of a witness' testimony,
15 and I'm going to list those factors for you.

16 You should consider the demeanor of the witness. That
17 is how the witness appeared to you while the witness was
18 testifying from that witness stand. Was the witness
19 straightforward in responding to questions that were posed
20 of the witness? Was the witness hesitant or evasive in
21 responding to questions that were asked of that particular
22 witness?

23 Simply put, did the witness appear to you to be
24 telling the truth and to have knowledge of the facts to
25 which that witness has testified.

Jury charge

1 You should also consider whether or not the testimony
2 of a witness is consistent, or is it inconsistent with that
3 witness' own testimony provided during the trial of the
4 case, as well as whether that testimony is consistent or
5 inconsistent with any other statement made by that same
6 witness, whether it be in court or outside of court. And
7 you should consider whether or not the testimony of a
8 witness is consistent, or is it inconsistent with other
9 testimony or other evidence received during the course of
10 the trial.

11 You should also consider how the witness came to know
12 the facts to which that witness has testified. In other
13 words, what was that particular witness' opportunity and
14 ability to perceive the existence of those facts to which
15 that witness has testified by having previously used his or
16 her senses, and then what is the ability of that particular
17 witness to be able to come into court and to accurately
18 recollect to you as to what they have previously perceived.

19 You should also consider any bias or prejudice or
20 interest that a witness might have with regard to the
21 outcome of the case.

22 In other words, do you find some reason that a
23 particular witness would come into court and would testify
24 one way or another to help or hurt one side or the other,
25 and you should consider any interest that a particular

Jury charge

1 witness who has testified might have in the outcome of the
2 case if you determine that that witness does have such an
3 interest and you further find that that interest would bear
4 upon that particular witness' credibility.

5 You should also consider whether or not the testimony
6 of a witness was strengthened, or was it weakened by other
7 testimony or other evidence received during the trial of
8 the case.

9 You as the finders of the facts and you as the judges
10 of the credibility of each of the witnesses that have
11 testified are permitted to believe as much or as little of
12 what a witness has testified to as you deem is appropriate
13 in the exercise of your own good judgment and common sense.

14 And so you can believe everything that a witness
15 testified to. You can choose to believe none of it. You
16 may believe some portion of a witness' testimony and reject
17 some other portion of that same witness' testimony.

18 You could believe one witness as opposed to several,
19 or several as opposed to one. But whatever your good
20 judgment and common sense tells you is the most believable
21 and credible testimony is the testimony you should accept,
22 and you should reject any testimony or other evidence that
23 you find not to be credible or believable. Again, your
24 sole objective is to simply render a fair and impartial
25 decision based upon the evidence presented and the law

Jury charge

1 that's applicable as I will have provided it to you.

2 Now, the same law that provides that you are the
3 judges of the facts also provides that I am the judge of
4 the law, and that simply means that nobody's going to tell
5 you how to arrive at your determination of fact in this
6 case. As I told you, you do that through the exercise of
7 good judgment and common sense conscientiously applied to
8 the testimony and evidence received.

9 However, under your oath as a juror you must accept
10 the law as I provide it to you as being the law that you
11 are to apply in the case.

12 In other words, you're never to concern yourself with
13 what you thought the law was before you came to serve as a
14 juror this week or what you think the law ought to be.

15 Under your oath as a juror you simply must accept the
16 law as I provide it to you as being the law that you are to
17 apply in the case, and then you take that law and you apply
18 it to the facts as you determine those facts to be based
19 upon your common sense evaluation of the evidence received.

20 Now, as you know, there are three separate criminal
21 offenses. So you'll be deciding those charges, indictments
22 separately based upon the evidence that's relevant to each
23 of the separate charges.

24 There are two -- actually three -- but one is combined
25 with another, so actually two indictments, two statutory

Jury charge

1 provisions that you're going to be concerned with that
2 relates to the charges.

3 One is 56-5-750 of the South Carolina Code of Laws,
4 and that's the statutory provision that relates to the
5 charge of failing to stop.

6 The other statutory provision that I'll be going over
7 you with is 44-53-375, and that's the statutory provision
8 that deals with possession with intent to distribute
9 cocaine base, as well as possession with intent to
10 distribute methamphetamine. Both of those substances are
11 contained in that same statute.

12 So I'm going to first address failing to stop, Section
13 56-5-750. And after I provide you with the law as it
14 relates to that particular charge, then I'll move on to
15 possession with intent to distribute cocaine base and
16 possession with intent to distribute methamphetamine.
17 Those two, of course, will be combined.

18 Section 56-5-750 of the South Carolina Code of Laws
19 provides that in the absence of mitigating circumstances,
20 it is unlawful for a motor vehicle driver while driving on
21 a road, a street or a highway of this state to fail to stop
22 when signaled by a law enforcement vehicle by means of a
23 siren or flashing light.

24 You are further instructed that a wilful violation of
25 this particular statute may be inferred where it is

Jury charge

1 established that a motor vehicle driver is proven to have
2 attempted to increase the speed of a vehicle that he was
3 driving or in any other manner avoid the pursuing law
4 enforcement vehicle when signaled by a siren or flashing
5 light.

6 The law further provides that a failure to see the
7 flashing light or hear the siren does not excuse a failure
8 to stop when the distance between the vehicles, as well as
9 other road conditions, are such that it would be reasonable
10 for a driver to hear or see the signals from the law
11 enforcement vehicle.

12 So in order to prove the defendant guilty of a
13 violation of this particular section it must be proven that
14 the defendant was driving a motor vehicle; secondly, that
15 he was driving on a road, street or highway of this state;
16 thirdly, that he was signaled to stop by a law enforcement
17 vehicle by means of a siren or flashing light; and,
18 fourthly, that he did not stop.

19 Section 44-53-375 of the South Carolina Code of Laws
20 addresses the offenses charged of possession with intent to
21 distribute cocaine base and methamphetamine, and that
22 statute provides that it is unlawful for a person to
23 manufacture, distribute, dispense, deliver, purchase, or
24 otherwise aid, abet, attempt or conspire to manufacture,
25 distribute, dispense, deliver or purchase, or to possess

Jury charge

1 with intent to distribute dispense or deliver
2 methamphetamine or cocaine base in violation of the
3 provisions of another section, which is 44-53-370, which
4 provides that it shall be unlawful for any person to
5 possess with intent to distribute, dispense or deliver a
6 controlled substance except when authorized by law pursuant
7 to a valid prescription or a licensed professional
8 practitioner such as a physician, a dentist, a pharmacist
9 or other person authorized by law to distribute or to
10 dispense such controlled substances while acting in the
11 regular course of his or her professional practice and in
12 accordance with all legal requirements, rules and
13 regulations.

14 A controlled substance means a drug or other substance
15 which is classified in Schedules I through V in the South
16 Carolina Code of Laws in statutory provisions which
17 classify various types of drugs.

18 The substance cocaine is a scheduled and classified
19 drug under the law of this state, and Section 44-53-210 of
20 the Code of Laws provides that cocaine is classified as a
21 Schedule II controlled narcotic substance. And cocaine
22 base means an alkaloidal cocaine or a freebase form of
23 cocaine, which is the end product of a chemical alteration,
24 whereby the cocaine in its salt form is converted to a form
25 suitable for smoking. Cocaine base is commonly referred to

Jury charge

1 as rock or crack cocaine.

2 The substance methamphetamine is classified in Section
3 44-53-210 of the Code of laws of South Carolina also as a
4 Schedule II drug and therefore is declared to be a
5 controlled substance under the law of this state.

6 You are further instructed that the weight of any
7 controlled substance includes the weight of a substance in
8 its pure form or any compound or any mixture containing
9 that substance.

10 Distribute means to deliver a controlled substance.
11 Dispense means to deliver a controlled substance to an
12 alternate user. And to deliver means the actual
13 constructive or attempted transfer of a controlled
14 substance.

15 The state is alleging in this case that the defendant
16 violated the statutes that I just referred to by possessing
17 with intent to distribute a quantity of cocaine base, which
18 is also referred to as crack cocaine, and a quantity of
19 methamphetamine.

20 Before a person may be found guilty of possession with
21 the intent to distribute a controlled substance it must
22 first be proven beyond a reasonable doubt that the person
23 did knowingly have his actual or constructive possession
24 the controlled substance which is alleged to have been
25 possessed. In this case that would be a quantity of

Jury charge

1 cocaine base and a quantity of methamphetamine.

2 knowingly is defined as having knowledge of the fact.

3 It is an act which is done wilfully, purposefully and
4 consciously. Actual possession of a substance occurs when
5 the substance is proven to have been in the actual physical
6 custody or control of the person charged with possession
7 and that he had knowledge of that fact.

8 A person has possession of a substance within the
9 meaning of the law when he has both the power, the ability
10 and the intent to control the disposition or use of the
11 substance.

12 Constructive possession of a substance, on the other
13 hand, occurs when a person, although not in actual physical
14 custody of the substance, does exercise dominion and
15 control over the substance or has the right to exercise
16 dominion and control over the substance even though at the
17 time is not in actual physical custody of the substance.

18 The act of possession, which includes the element
19 knowledge, may be proven by either direct evidence or
20 circumstantial evidence or by a combination of both types
21 of evidence.

22 You are permitted to infer the act of possession of a
23 substance, as well as the elements of knowledge and intent,
24 from evidence of acts, declarations or conduct of the
25 person charged with possession, as well as any other

Jury charge

1 circumstances established by the evidence in the case from
2 which you may reasonably infer such possession, knowledge
3 and intent, as often the state of a person's mind can only
4 be established by circumstantial evidence.

5 And, as I told you, an inference is simply a deduction
6 of fact that may logically and reasonably be drawn from the
7 proof of some other fact or set of facts.

8 However, even if the facts proven are sufficient to
9 give rise to a permissible inference, as I have described
10 it, such inferences are merely evidentiary facts which may
11 be taken into consideration by you jurors along with all of
12 the other evidence received in the case, and you may give
13 them such weight, if any, that you determine that they
14 should receive, if any.

15 Before the defendant in this case may be found guilty
16 of possession with intent to distribute a substance as
17 alleged in the two separate indictments, it is necessary
18 that the evidence in this case has established to your
19 satisfaction beyond a reasonable doubt that the defendant
20 did knowingly and actually or constructively possess the
21 controlled substance as alleged in the two separate
22 indictments and that the controlled substances alleged to
23 have been possessed were, in fact, methamphetamine and
24 cocaine base and at the time that the defendant is proven
25 to have possessed that substance the defendant intended to

Jury charge

1 distribute the substance.

2 The term intent means the state of a person's mind
3 which directs his actions towards a specific object or
4 goal. In this case that refers to a specific intent to
5 distribute the controlled substance proven to have been
6 possessed.

7 Again, to distribute or to deliver means to transfer a
8 controlled substance from one person to another whether or
9 not in exchange for money or any other consideration or
10 thing of value.

11 Section 44-53-375 in subsection (B) also provides that
12 you are permitted to infer an intent to distribute upon
13 proof of possession of one or more grams of cocaine base or
14 possession of one or more grams of methamphetamine.

15 As I said, an inference is simply a deduction of fact
16 that may logically and reasonably be drawn from the proof
17 of some other fact.

18 In other words, the law permits you to infer the
19 existence of a particular fact -- in this context the
20 intent to distribute -- from the proof of some other fact.
21 In this context through possession of one gram or more of
22 the substance proven to have been possessed. But you are
23 in no way required to do so. The law simply permits you to
24 do so if you find that to be reasonable.

25 Your duty is to determine whether or not the state has

Jury charge

1 proven the defendant's guilt beyond a reasonable doubt
2 based upon your careful examination and your evaluation of
3 all of the evidence received during the trial of this case
4 which is probative on a particular issue and any reasonable
5 inferences which might be derived therefrom in the exercise
6 of your own good judgment and common sense conscientiously
7 applied to the evidence presented during the trial.

8 You are further instructed that proof of mere presence
9 of the defendant at or near a location where a quantity of
10 cocaine base or a quantity of methamphetamine is found is
11 not sufficient by itself to prove the defendant's
12 possession of it.

13 A defendant's mere presence where a quantity of some
14 controlled substance is located, even with knowledge of its
15 presence, would not be sufficient standing alone to prove
16 possession of it. As I have previously stated, it must be
17 proven that the defendant had actual or constructive
18 possession of it and intended to control the use or
19 disposition of that substance.

20 If, after your review of all of the evidence in the
21 case, you determine that the state has only proven that the
22 defendant was merely present at or near a location where a
23 quantity of cocaine base or methamphetamine was located but
24 has failed to prove that the defendant actually or
25 constructively possessed it, then you must find the

Jury charge

1 defendant not guilty.

2 On the other hand, if, after you review all of the
3 evidence in the case and any reasonable inferences that
4 might be derived from that evidence, you determine that the
5 evidence has proven beyond a reasonable doubt that the
6 defendant did knowingly possess the substance, whether
7 actually or constructively, then you must determine whether
8 or not at the time he possessed the substance he intended
9 to distribute it.

10 Now, ladies and gentlemen, I am not in any way
11 concerned with what your decisions are, but the decisions
12 have to be unanimous. All of you must be in agreement
13 before any verdict may be rendered and returned to the
14 Court.

15 So, Madam Forelady, as I told you earlier, you are
16 going to be charged with the responsibility of presiding
17 over jury deliberations simply to ensure that those
18 deliberations are carried out in some orderly fashion, but
19 all jurors are expected to participate in those
20 deliberations, because, as I've stated, the verdict, the
21 verdicts, in the case have to be unanimous. All of you
22 have to be in agreement before any decision may be
23 rendered.

24 Now, Members of the Jury, as I have already indicated,
25 you've got to decide the verdict in the case of the

Jury charge

1 indictment charging failing to stop; you've got to decide
2 the verdicts in the two indictments charging possession
3 with intent to distribute a controlled substance, one
4 alleging cocaine base, the other alleging methamphetamine.

5 And as has been also indicated, in order to prove
6 possession with intent to distribute, it must necessarily
7 be proven that the defendant possessed the controlled
8 substance that is alleged to have been possessed. So
9 you'll determine whether or not the defendant possessed a
10 controlled substance alleged in each separate indictment,
11 and then you'll determine whether or not at the time he
12 possessed it he intended to distribute it.

13 So as to the two indictments charging possession with
14 intent to distribute, you're going to have three potential
15 verdict forms, and I'm going to explain them to you, but
16 I'm going to send back a guide sheet so you'll know what
17 the different verdict forms are.

18 But you'll be called upon, Madam Forelady, to write
19 the verdict on the indictment. On the back of each
20 indictment in the lower left-hand corner there's the word
21 verdict, and it's beneath that word that you'll indicate
22 the jury's unanimous decision as to that particular
23 indictment. You'll sign your name as the foreperson and
24 place the appropriate date. Today is the 25th of January.
25 You're the only juror that will be signing the verdict

Jury charge

1 form.

2 So with respect to the two indictments charging
3 possession of a controlled substance, you have three
4 potential verdict forms. Those verdict forms are, one,
5 guilty, which means guilty of the charge in the indictment,
6 possession with intent to distribute cocaine base or
7 possession with intent to distribute methamphetamine.

8 If you find that the state -- or the evidence does not
9 establish an intent to distribute the drug, then you may
10 find the defendant to be guilty of only the lesser included
11 offense, which would be possession of the drug.

12 So in that event if you determine the defendant has
13 only been proven to be guilty of possession of the drug,
14 you'd have to write that out, guilty of possession only --
15 guilty of possession.

16 And if you find the state has failed to prove that the
17 defendant possessed the drug alleged to be in the
18 indictment, then the verdict form would be not guilty.

19 So the three verdict forms as to those two indictments
20 are guilty, which means guilty of the charge in the
21 indictment; or guilty of possession, which is the lesser
22 included offense; or not guilty. Those are the three
23 verdict forms.

24 As to the failing-to-stop indictment, there are two
25 possible verdict forms, and those are simply guilty or not

Jury charge

1 guilty.

2 So whichever that is and whatever it is, Madam
3 Forelady, write that in the space provided, sign your name
4 as the foreperson, date it and knock on the jury-room door.
5 Tell the bailiff that you've reached a decision in the
6 cases.

7 You will hold on to the verdict forms. Do not give
8 those to the bailiff.

9 I will receive those from you, Madam Forelady, when
10 you and your fellow jurors come back to announce the
11 verdicts. So you'll hold on to the verdict forms and I'll
12 get those from you when you all come back.

13 Now, during deliberations there may come a time where
14 you have a question about the evidence or the testimony.
15 You may even wonder if there's something else out there
16 that you'd like to have.

17 Please understand that no additional evidence can be
18 received now that the case is closed. So if something was
19 not introduced during the trial but you think it might be
20 helpful, it still can't come in. You can't get it. So
21 don't ask me about anything that was not introduced because
22 even if it existed, I couldn't provide it to you.

23 If you have a question about testimony that was given
24 during the trial and you think hearing that testimony again
25 would answer that question, we can bring you back into the

Jury charge

1 courtroom to have testimony reheard or have it replayed in
2 total or just part of it if that's all you need, but you'll
3 have to let me know. The court reporter will have to
4 locate that testimony. We'll bring you back and replay it.
5 I don't have transcripts of the witnesses. So we'll have
6 to come back into the courtroom if you need to have
7 testimony reheard.

8 If at any time you have a question about the law
9 that's applicable, I am permitted to answer those
10 questions. So if you need a re-instruction in its
11 entirety, I can do that. If you simply need some
12 clarification or some further explanation about a
13 particular point of law, then I can provide you with that.

14 So, Madam Forelady, if at any time you have a matter
15 that needs to be addressed to me, a question or an issue,
16 write it on a piece of paper, give it to the bailiff. The
17 bailiff will provide it to me and I'll respond accordingly.

18 I don't know if we have smokers on the jury, but if we
19 do you are permitted to smoke during deliberations, but you
20 can't smoke in the courthouse. You have to go outside.

21 So if anybody wants to smoke, let the bailiff know.
22 They'll take you outside in order to accomplish that
23 purpose.

24 Also, there's no way of knowing how long deliberations
25 might take. I don't know, nor do you, because they haven't

Jury charge

1 started yet. But I will tell you that if you get to a
2 point in deliberations where you think it appropriate to
3 order lunch, we will order lunches for you. It usually
4 takes about an hour, maybe a little bit more than that, to
5 have the lunches ordered, prepared and then brought to the
6 courthouse for your benefit.

7 So once you are instructed to begin deliberations, you
8 can talk about lunch and/or if you sometime later talk
9 about lunch, but just understand it takes a little over an
10 hour for that to be accomplished. So I'll leave that up
11 you as to when and if you need to order lunch. But you'll
12 need to let us know.

13 I think that covers everything, but if it doesn't I'm
14 sure one of these lawyers will remind me and ask me to give
15 you some more information.

16 If I need bring you back to provide you with
17 additional information, I will. If I don't need to bring
18 you back for any reason, the bailiff will bring to the jury
19 room all of the exhibits which have been introduced.

20 And to you, Madam Forelady, he'll also bring -- the
21 indictments will serve as the verdict, and there's also a
22 guide sheet.

23 Now, the guide sheet has a lot of information on it.
24 It's not intended to be the verdict form itself. As I say,
25 you're going to write the verdict on these indictments.

Jury charge

1 There's a place where you can check the verdict form.
2 That's just for your benefit to use to help guide you
3 through the process and to understand the different verdict
4 forms.

5 So if you mess up that form and you need another one,
6 let the bailiff know. I can give all the copies you need
7 of that. I only have one of these, so don't mess that one
8 up. So that's why we're giving you that guide sheet so you
9 can play around with it if you want to. But when you write
10 the official verdict, I need for you to do it here on this
11 verdict form.

12 Again, if you have any questions or something comes up
13 during the deliberations, let me know. I'll be happy to
14 address it.

15 So right now I'll ask you to go back to your jury
16 room.

17 I will ask the alternate juror to stay here with me.

18 The original 12 will go back, but do not begin
19 deliberations until I send you word to do so. If I need to
20 bring you back, I will. If I don't, I won't. But I'll
21 instruct you to begin.

22 THE BAILIFF: Restroom breaks. Go to restroom break
23 you have to stop.

24 THE COURT: Okay. Yeah. Thank you.

25 If at any time a juror is absent for any authorized

Jury charge

1 purpose -- go to the bathroom, go to smoke, have to use the
2 telephone -- authorized -- whatever -- if any juror is not
3 present, if all 12 are not present, the deliberations have
4 to stop and they can only resume when all 12 jurors are
5 present so that all can participate.

6 Okay. All right. Thank you. You can retire, but
7 await my instruction as to when to begin.

8 (Whereupon, the jury retired to deliberate at
9 10:55 a.m.)

10 THE COURT: Ms. Laney, as you know, you can't
11 participate in jury deliberations because the original 12
12 are apparently able to do that. So that will conclude your
13 service for the trial of this case. So I do want to thank
14 you for your participation.

15 We'll give you a choice as far as today goes. I have
16 got -- the balance of the jury panel is coming back at
17 2:00 o'clock, and I should be in a position then to select
18 another jury in the next case.

19 So if you want to come back to participate again, we
20 want you to. But because you've participated in this
21 trial, I'll give you the day off if you prefer to have
22 that. So which do you think you want to do?

23 THE JUROR: The day off.

24 THE COURT: You want the day off. I thought you might
25 say that, but sometimes they don't. But you can have the

Jury charge

1 rest of the day off. Just call back after 6:00 o'clock
2 tonight to find out about further reporting.

3 Okay. Thank you again for your participation.

4 (Whereupon, the alternate juror was excused.)

5 THE COURT: Or there any exceptions taken to the
6 instruction or requests for additions to the instruction by
7 the state?

8 MR. SIPPEL: None from the state, Your Honor.

9 THE COURT: By the defendant?

10 MR. WARDER: Your Honor, if it please the Court.

11 In your charge you said that the jury should consider
12 what each witness had -- what their interest in the outcome
13 was or what -- what they might gain or lose.

14 In the case of a defendant, every defendant has an
15 interest in the outcome, and I don't think that you should
16 take away from every defendant's credibility because
17 they're the defendant.

18 THE COURT: Well, Mr. Warder, you apparently ignored
19 the rest of that charge, which was you can consider any
20 interest that a witness might have in the outcome of the
21 case if you determine that a witness has an interest and
22 you find that that interest would bear upon their
23 credibility.

24 MR. WARDER: Well, I think every defendant would have
25 an interest in it, and I think the jury could conclude that

Jury charge

1 because of that interest every -- every defendant benefits
2 by being found not guilty.

3 THE COURT: Okay. I understand.

4 MR. WARDER: And that would make them less credible
5 than -- than they would be.

6 THE COURT: well, am I to understand from your
7 statement that you believe that a jury is supposed to judge
8 a defendant's credibility different than any other witness
9 that testifies?

10 MR. WARDER: I think that one factor that he benefits
11 from is by a not-guilty verdict or harmed by his guilty
12 verdict.

13 THE COURT: Okay. I'll note your exception to it.
14 Any others?

15 MR. WARDER: Thank you.

16 THE COURT: All right. Let me ask y'all to verify the
17 exhibits before they go back.

18 MR. SIPPEL: Yes, Your Honor. I think we have
19 Exhibits 1 through 6 were admitted. I believe that that's
20 it.

21 THE COURT: well, I need y'all to look at them.

22 Tell the jury. I forgot to tell them there's a
23 computer in there so if they can't figure out how to work
24 it, let us know and we'll help them.

25 (Pause.)

Jury charge

1 THE COURT: Be sure to let the jury know if they need
2 help operating this to let us know.

3 (Pause.)

4 THE COURT: All exhibits are accounted for?

5 MR. SIPPEL: Yes, Your Honor.

6 THE COURT: All exhibits are accounted for?

7 MR. WARDER: Yeah.

8 THE COURT: Okay. Send them back. Tell the jury to
9 begin deliberations and notify us when they've concluded.

10 (Whereupon, a recess was taken.)

11 THE COURT: All right. The jury has a question and
12 wishes to have an additional instruction on a point of law.
13 I've shared the question with the lawyers. And so the jury
14 will come in. I'm going to provide that additional
15 instruction.

16 (Whereupon, the jury returned to the courtroom at
17 12:40 p.m.)

18 THE COURT: All right. Ladies and gentlemen, I have
19 the question that the forelady has sent out, and I think I
20 understand it. I hope that I do. I mean, it's plainly
21 asked, but I'm not certain exactly what you want to hear.
22 So I'm going to try to respond to the question by going
23 back over some of the instruction I've previously given
24 you.

25 If what I give you does not answer your question,

Jury charge

1 you'll be going back out. But if it doesn't answer the
2 question, then you just send me another note. Don't be shy
3 about inquiring, because I think I know what you want, but
4 it might be that that doesn't answer your question. So
5 you'll have to let me know.

6 All right. A person has possession of a substance
7 within the meaning of the law when he has both the power,
8 the ability and the intent to control the disposition or
9 use of the substance.

10 Constructive possession of a substance occurs when a
11 person, although not in actual physical custody of the
12 substance, exercises dominion and control over the
13 substance or has the right to exercise dominion and control
14 over the substance, even though at the time it was found it
15 was not in the actual physical custody of the defendant.

16 The act of possession includes the element of
17 knowledge, and that may be proven by direct evidence or by
18 circumstantial evidence or by a combination of both types
19 of evidence.

20 In other words, where circumstantial evidence is used
21 you may infer a fact from the proof of other facts. And
22 you are permitted to infer the act of possession of a
23 substance, as well as the elements of knowledge and intent,
24 from evidence of acts, declarations or conduct of the
25 defendant, as well as any other circumstances established

Jury charge

1 by the evidence in the case from which you might reasonably
2 infer such possession, knowledge and intent, as often the
3 state of a person's mind can only be proven by
4 circumstantial evidence.

5 Again, an inference is simply a deduction of fact that
6 may logically and reasonably be drawn from the proof of
7 other facts.

8 An example of that that I'll give, people use it
9 sometimes. It's not the only example, but it's just as an
10 example so you'll understand about inferential proof.

11 For instance, if you think you heard thunder
12 outside -- you're inside like here. You think you heard
13 thunder outside. Door might have opened. You saw what
14 appeared to be a flash. Could have been lightning.
15 Somebody walks in the door. They have an umbrella that's
16 dripping wet. You might reasonably infer that it's raining
17 outside. You don't have to make that inference if you
18 don't want to, but that, those facts, might lead you to
19 infer that, in fact, it is raining outside, or you may
20 think that that doesn't establish the fact that it's
21 raining outside.

22 But when you -- when you -- when you prove a fact by
23 circumstantial evidence, you're doing it through an
24 inference or a deduction. In other words, somebody didn't
25 come in and tell you it's raining outside. You didn't see

verdict

1 it raining outside. But if you are aware of sufficient
2 facts that have been proven to your satisfaction, you can
3 rely upon those facts to infer another fact if it's
4 reasonable to do so. And so you can infer someone
5 possessed a substance if the facts establish a reasonable
6 inference that leads you to that conclusion, but you don't
7 have to infer it if you don't find it to be reasonable.

8 Is that what you're looking for?

9 All right. Just do this. When you go back, again,
10 discuss it. And if that didn't answer your question, just
11 ask me again, and I'll try to sort it out.

12 Okay. Please retire to your jury room and let me know
13 if I can give you a further clarification.

14 (Whereupon, the jury retired to deliberate at
15 1:46 p.m.)

16 THE COURT: Are there any exceptions taken?

17 MR. SIPPEL: None from the state, Your Honor.

18 MR. WARDER: None from the defendant, Your Honor.

19 THE COURT: Thank you.

20 Did you have a better example to give?

21 MR. WARDER: No.

22 THE COURT: Okay. We'll continue to be at ease while
23 the jury is deliberating.

24 (Whereupon, a recess was taken.)

25 (Questions from the jury marked Court's Exhibits Nos. 1

verdict

1 through 5.)

2 THE COURT: I am told the jury has reached a verdict
3 on one indictment, unable to on two.

4 we'll bring them back to receive the verdict if
5 they're ready. Ask the jury if they're ready for us to
6 receive the verdict on any indictment that they have
7 concluded.

8 (Pause.)

9 (Whereupon, the jury returned to the courtroom at
10 3:25 p.m. to report its verdict.)

11 THE COURT: Madam Forelady, I understand that you and
12 your fellow jurors have reached a decision on one of the
13 indictments and you have been unable to reach a decision on
14 two of the indictments. Is that correct?

15 THE FOREPERSON: That is correct.

16 THE COURT: As to the two indictments that you've not
17 reached a decision on, do you and your fellow jurors -- and
18 this is for the group -- do any of you feel that any
19 additional deliberations would assist you in being able to
20 come to a decision in either of those cases?

21 THE FOREPERSON: No, sir.

22 THE COURT: Your answer is no?

23 THE FOREPERSON: No.

24 THE COURT: would it be fair to describe your
25 circumstances there as being hopelessly deadlocked?

Sentence

1 THE FOREPERSON: Yes, sir.

2 THE COURT: All right. But you have reached a
3 decision on one.

4 THE FOREPERSON: Yes.

5 THE COURT: Okay. If you will, please hand those
6 verdict forms up by way of the bailiff with the
7 indictments.

8 All right. You may publish the verdict.

9 THE CLERK: Indictment 2021-GS-42-3986, in the State
10 of South Carolina, the Court of General Sessions, the State
11 vs. Hakeem Kwame Shonte Sexton, indictment for failure to
12 stop for a blue light, guilty. Signed by the fer --
13 foreperson this 25th day of January of 2023.

14 Ladies and gentlemen of the jury, is this your verdict
15 and still your verdict? If so, please raise your right
16 hand.

17 (Whereupon, all responded in the affirmative.)

18 THE CLERK: So say y'all.

19 THE COURT: Does the defendant wish to have the jury
20 polled?

21 THE DEFENDANT: Oh, for the failure to stop for blue
22 light, yes, I'm understanding of that. I'm understanding
23 of that, sir.

24 THE COURT: Well, right now I'm talking to Mr. Warder.

25 MR. WARDER: No. I don't think it's necessary.

Sentence

1 THE COURT: Okay.

2 MR. WARDER: They all raised their hand.

3 THE COURT: They did. All right.

4 (Whereupon, the trial jury was excused.)

5 THE COURT: All right. Mr. Sippel, anything on behalf
6 of the state?

7 MR. SIPPEL: Yes, Your Honor.

8 The state is asking for an active sentence in this
9 matter.

10 As you've seen the evidence in this case, as you've
11 heard, Mr. Sexton was driving extremely recklessly when he
12 failed to stop for blue lights putting multiple people's
13 lives in danger.

14 He was also on probation when this incident occurred.
15 And as you heard from the state on the stand, he did not
16 have a valid driver's license when he was driving and
17 fleeing from law enforcement.

18 And, Your Honor, the state does have his prior
19 conviction history if now would be the appropriate time.
20 Thank you.

21 Your Honor, in 2009 Mr. Sexton has a conviction for
22 possession with intent to distribute marijuana; 2011, he
23 has convictions for possession with intent to distribute
24 cocaine base, simple possession of marijuana and driving
25 under suspension, not suspended for a D.U.I. second

Sentence

1 offense; in 2014 he has convictions for possession with
2 intent to distribute within one half mile of a school,
3 park; and in 2014 he also has two more convictions for
4 possession with intent to distribute cocaine base first
5 offense.

6 Finally, Your Honor, in 2017 he has a conviction for
7 possession with intent to distribute cocaine base second
8 offense, and on that he received a sentence of 20 years
9 suspended to three years followed by five years of
10 probation. And that is the sentence that he was currently
11 serving his probation for when this incident occurred.

12 Your Honor, with all of that being taken into
13 consideration, the state would request a lengthy active
14 sentence in this matter. Thank you.

15 THE COURT: All right. Mr. Warder.

16 MR. WARDER: Your Honor, if it please the Court.

17 My client has been a lifelong resident of this area,
18 Spartanburg mainly. He graduated from college here -- high
19 school here and college at Spartanburg Community College.

20 He works at Fiber Tech, had that job about six months.
21 Fibers Works instead of Fiber Tech. I'm sorry.

22 Your Honor, he has had some trouble with drugs,
23 obviously, and got him in trouble but he -- they don't
24 affect his life. He's working himself regular and a good
25 employee.

Sentence

1 Your Honor, I'd ask you to be lenient as you can.
2 Certainly, there's been a few hiccups in his past, but he's
3 got his feet pretty well anchored on the ground now, I
4 think.

5 THE COURT: I'm going to let you speak.

6 You're going to serve him with a citation?

7 PROBATION AGENT: Yes, sir, Your Honor. It's just a
8 new conviction.

9 THE COURT: Yes. Do you have the citation?

10 PROBATION AGENT: I do. It's just for the new
11 conviction under the indictment numbers that he was
12 convicted, the failure to stop.

13 THE COURT: Are you going to serve him with one?

14 PROBATION AGENT: Yes, Your Honor. I'll give him a
15 copy in one second.

16 THE COURT: You don't have to serve him with it before
17 I address it?

18 PROBATION AGENT: No, no, Your Honor. It's a
19 violation of probation.

20 THE COURT: All right. Mr. Sexton, what would you
21 like to tell me?

22 THE DEFENDANT: Yes, sir.

23 Those convictions that he talks, was speaking on, I
24 was at a young age. They was actually dropped down to a
25 lower state, like they were trying to do with this drug

Sentence

1 charge that I definitely did not --

2 THE COURT: Are you saying you haven't been convicted?

3 THE DEFENDANT: No. What I'm saying was they --

4 THE COURT: Let me finish my question.

5 Are you saying you haven't been convicted of those
6 possession with intent to distributes?

7 THE DEFENDANT: They was dropped. I pled to them
8 because they was dropped down because they was trying to
9 get me to plead --

10 THE COURT: That's what I'm asking you.

11 THE DEFENDANT: -- instead of taking it to trial.

12 THE COURT: That's what I'm trying to find out.

13 THE DEFENDANT: So it looks worse, but, sir, if I --
14 if I wouldn't have been so young and --

15 THE COURT: Just a minute, Mr. Sexton.

16 I'm going to let you tell me all you want to just like
17 I did the other day. But what I've got to find out is what
18 you mean. The solicitor -- just a minute.

19 THE DEFENDANT: Sorry.

20 THE COURT: The solicitor says that you have been
21 convicted -- was it five possession with intent to
22 distribute charges?

23 MR. SIPPEL: Your Honor, it's four possession with
24 intent to distribute cocaine bases and one possession with
25 intent to distribute marijuana.

Sentence

1 THE COURT: All right. So there are five possession
2 with intent to distributes. They say you have been
3 convicted. Are you telling me that you were actually only
4 convicted of possession and not possession with intent to
5 distribute?

6 THE DEFENDANT: I know the 2017 that he's speaking of,
7 but he named some other ones that I knew, because just at a
8 young age they was giving me pleas that I got to stay home
9 so I --

10 THE COURT: Hang on.

11 Mr. Warder, have you been given a copy of his criminal
12 history? Let's get that sorted out so we'll be sure. Have
13 you got a copy of the history?

14 MR. SIPPEL: I do, Your Honor, and I have certified
15 convictions here as well.

16 THE COURT: Oh, well, that'll be great. Give
17 Mr. Warder those.

18 MR. SIPPEL: Or at least some of the certified
19 convictions.

20 THE COURT: Well, should be enough.

21 THE DEFENDANT: Do I continue?

22 THE COURT: Not yet. You're going to talk to me, but
23 about your record first.

24 MR. SIPPEL: And certified convictions.

25 (Pause.)

Sentence

1 THE DEFENDANT: Two of these is one.

2 THE COURT: Just a minute. You and Mr. Warder get
3 that straighted out and then we'll talk about it.

4 THE DEFENDANT: I was trying to put some clarification
5 on --

6 THE COURT: Talk to Mr. Warder before you do that.

7 (Pause.)

8 THE COURT: Are you through, Mr. Warder?

9 MR. WARDER: Your Honor, if it please, it does appear
10 that there's a total of four prior convictions.

11 THE COURT: So there's four and not five?

12 THE DEFENDANT: Three would at the same time, three of
13 the convictions.

14 THE COURT: Well, they're still convictions.

15 THE DEFENDANT: True. I didn't know. I didn't look
16 at it how -- I see he's wording it now, but it looks worse
17 than, because I took a 5-year plea back then, and it
18 cleared out all of this.

19 How they came at me with the plea to keep me out of
20 trial, I had to take it. But this is what I'm on probation
21 of, I talked to my P.O. officer and there's been no
22 infractions up until this violation here.

23 And I only had 90 days left on it. It was a 20-year
24 suspended sentence down to three years and five years
25 probation. I did the three years. I'm down to the 90 days

Sentence

1 and they -- and they trying to do this. So I could get a
2 suspended sentence or something, and it's sad. It's crazy.
3 I just had to fight a jury -- not fight a jury. I just had
4 to get a jury to believe my innocence.

5 THE COURT: All right. Hold on.

6 I've got to hear from Mr. Warder first, and then I'll
7 hear from you.

8 Mr. Warder.

9 MR. WARDER: Your Honor, if it please. He has had
10 four prior convictions and the one he's on probation for.

11 THE COURT: which makes five.

12 MR. SIPPEL: Your Honor, if I may.

13 I did not get a certified copy of the possession with
14 intent to distribute marijuana conviction, but that is also
15 a conviction that he has from 2009.

16 THE COURT: well, that's the fifth.

17 MR. SIPPEL: Okay.

18 THE COURT: There are five possession with intents,
19 four cocaine base and one marijuana. Is that right?

20 MR. SIPPEL: Yes. And a possession with intent to
21 distribute within one-half mile.

22 THE COURT: Yeah. That goes with one of the others.

23 All right. Mr. Warder, have you got anything else you
24 need to tell me?

25 MR. WARDER: No, sir.

Sentence

1 THE COURT: Okay. Mr. Sexton, your turn.

2 THE DEFENDANT: Yes, sir.

3 And back what I was saying about how that put together
4 at one because all the dates on the same, and that's
5 from -- this is what I'm on probation for.

6 And I'm at the very end. I been being marvelous on
7 it. For me to have to worry about getting whatever she
8 just said done to me that I have to sign for it, which I'm
9 understanding cause of that, but giving me a lengthy time
10 and all this was -- all this was done, like, when I got in
11 trouble all of that was done, and I was let off. This
12 happened.

13 I was younger. So I took some pleas that I really
14 shouldn't have. That's why I couldn't take this one today
15 when I know my innocence is on file, I mean, on video. I
16 know my innocence is. I got -- I'm going to keep going to
17 trial if -- but it makes me look bad from my past.

18 THE COURT: You're talking about your innocence on the
19 drug charges?

20 THE DEFENDANT: That's with the hung jury but it's --

21 THE COURT: We're not even -- I'm not even thinking
22 about those because you haven't been convicted.

23 THE DEFENDANT: Yeah. He --

24 THE COURT: We need to talk about the failure to stop.

25 THE DEFENDANT: Yeah. He brought up my past, which

Sentence

1 was then for is over seven years, but I been fighting. I
2 been going through this with my life since 2016. For me to
3 have to worry about another lengthy sentence, I'm under 90
4 days. I only had one more report, and that is the ending
5 report to sign the papers to leave.

6 It was May -- March, April, May or April, one of them,
7 around that area was the last day.

8 THE COURT: Well, I wish you had made it.

9 THE DEFENDANT: And they rush me into court. I ain't
10 even had him 90 days. They rush me into court for times
11 like this.

12 Now I gotta worry about a lengthy suspended sentence
13 when it was almost over. It was almost over and he just
14 made me look like a bad guy because I took some pleas when
15 I was a young kid that kept me outta prison.

16 They -- these -- these they can send me to prison. So
17 it made it look like it's worse, but you know they came at
18 me with a plea that I stayed at home.

19 If you look it, sir, it's -- it's suspended, like, one
20 I got -- these three was 18 months on all three put
21 together. He made it like, seem like just kept getting in
22 trouble and trouble and trouble. This one was probation on
23 the marijuana we talking about, first charge ever.

24 THE COURT: He didn't say you just kept getting in
25 trouble. He just said you had five convictions.

Sentence

1 THE DEFENDANT: It's the nature of the charges, how it
2 sounds with the -- with the PWID and all that, how it
3 sounds like I was selling drugs.

4 THE COURT: That's what you were convicted of.

5 THE DEFENDANT: Sir, they was dropped down to the
6 lesser charge. They was dropped down, and I pled to the --
7 not lesser charges because the PWID, I'm saying like they
8 gave me negotiated plea, so I wasn't more or less thinking
9 about the cold like how he just ordered like it was PWID
10 and all that. I was looking at the sentences.

11 So how he just worded it and I didn't even -- got to
12 think I was 18 or 19 with the marijuana he speak of, and
13 these from 21 and 22 year old me. And I pled to them
14 because they kept me out of prison. I was already in
15 prison, but they -- they kept me from doing extra time only
16 reason I plead to it.

17 But now I see what that has done to my life, and I was
18 only pleading because, sir, because of the negotiated pleas
19 they had gave me. And now I seen how that has affected me
20 ten years later, how he's able just to bring it up. And I
21 finished, completed and did everything, and how it still
22 makes me look like a bad guy as I was going to a probation
23 violation that I had 90 days left.

24 I just had to -- I just had to get a hung jury for
25 something I didn't have and I -- I admitted to the driving

Sentence

1 without a license. Do you think I'm going to drive and try
2 to hurt people when I had my little sister in the car? You
3 think I can live with telling my mom I got my sister
4 killed. It looks like that --

5 THE COURT: Did you watch the video?

6 THE DEFENDANT: Yes, I watched the video. It was
7 signal lights and everything flashing, alerting all drivers
8 the whole way. And we watched that video again. The whole
9 time on the highway you see left signal and right signal
10 lights on the front and back. You see taillights --

11 THE COURT: At 120 miles per hour.

12 THE DEFENDANT: I wasn't going no 120. I wasn't --

13 THE COURT: Oh, I thought that was the testimony.

14 THE DEFENDANT: No. I was in Kia so I -- you know a
15 Kia doesn't go 120.

16 THE COURT: No, I don't. You told me I know a lot of
17 things, but I don't know that.

18 THE DEFENDANT: Yeah. A Kia doesn't go 120, I doubt.

19 THE COURT: Okay. Well, I don't know.

20 THE DEFENDANT: Bought all over the United States if
21 they did but --

22 THE COURT: Well, let me ask you this, Mr. Sexton.

23 You testified -- now, the officer testified that the
24 speed got up to 120 miles per hour. What did you testify
25 to that the speed was?

Sentence

1 THE DEFENDANT: No. I didn't -- I didn't -- I didn't
2 get to speak at that time if I'm not mistaken.

3 THE COURT: You testified.

4 THE DEFENDANT: But I was never asked about how many
5 mileages it --

6 THE COURT: Did you need to be asked? You did a lot
7 of speaking.

8 THE DEFENDANT: Yes. I thought -- that blurted out.
9 I would've blurted it out if I knowed this was going to
10 affect this. I really would have --

11 THE COURT: I'm not saying it's affecting anything.
12 I'm just asking did you testify to what the speeds were.

13 THE DEFENDANT: No, sir. I didn't get up and jinx or
14 nothing, sir.

15 THE COURT: All I know is 120 miles an hour.

16 THE DEFENDANT: You see how everything they get to
17 say? Him, the officer, is believed against me, but I
18 know --

19 THE COURT: Mr. Sexton, you had the opportunity to
20 testify. You did testify about the facts of the whole
21 thing.

22 THE DEFENDANT: I could only answer the questions that
23 was asked and so they was asking --

24 THE COURT: I rather not -- okay.

25 THE DEFENDANT: About speed. You remember you told me

Sentence

1 that if wasn't a question that was asked, I can't
2 deliberately just go.

3 THE COURT: I know, but you didn't follow that
4 instruction.

5 THE DEFENDANT: I just didn't want a lengthy time,
6 sir, of probation that I had 60 days left that I have been
7 complying to.

8 From a suspended sentence? It's suspended. Like now
9 I gotta worry about that after all of this, after all this
10 a hung jury, after pleading guilty of only look to my guilt
11 of driving without no license, not stopping by officer
12 commands, but they go back ten years -- ten years and
13 more -- ten years and more. Yes. These cases are ten
14 years more except for what I'm on probation for. These
15 cases are ten years or more, and I'm still having to go
16 through that after they been conducted. It's -- it's sad,
17 man. He brought that up against me, and, sir, I think
18 that's smart of you to give him a bunch of time because of
19 this old stuff.

20 Sir, I -- I paid my dues to society for all that and
21 was about to get off this one with no infractions. And for
22 this to happen. I had three probation officers. She's the
23 third.

24 Are you my actual probation officer? I didn't think
25 so.

Sentence

1 She's -- I'm being served these papers on a suspended
2 sentence. I still gotta fight for my life for something I
3 know I'm innocent. But for him to ask for you to do the
4 worst to me because of a past, that's not right. I don't
5 even know what to say. I just had to get that off my
6 chest, and I'm going through too much, man.

7 THE COURT: Okay. Now I'll ask the probation agent to
8 tell me about the sentence that you're on probation for.
9 And listen to what she says because you get to respond to
10 that if you need to.

11 THE DEFENDANT: Yes, sir.

12 PROBATION AGENT: Yes, Your Honor.

13 Mr. Sexton is currently under supervision with our
14 department for PWID cocaine second offense. He received
15 that sentence July the 12th of 2017 by Honorable Judge
16 Kelly. He was sentenced to 20 years suspended upon the
17 service of three years and five years probation. He was
18 able to do the home detention program, Your Honor.

19 THE COURT: The three years home detention?

20 PROBATION AGENT: Yes, Your Honor.

21 THE COURT: Okay.

22 PROBATION AGENT: His case began with us on June the
23 3rd of 2019. His end date is scheduled to be June the
24 2nd of 2024, Your Honor. Today's plea is a violation, and
25 we would ask for a revocation and to terminate this case,

Sentence

1 Your Honor.

2 THE COURT: All right. Mr. Sexton, the agent says
3 you've -- it's not 90 days. You got to be supervised until
4 June of 2024.

5 THE DEFENDANT: I heard outta my own probation officer
6 it was '23, June of 2023.

7 THE COURT: You told me it was 90 days, and then you
8 said 60 days.

9 THE DEFENDANT: February, April, March. Okay. I see
10 now. I was thinking, like, two or three months, sir.

11 THE COURT: Okay.

12 THE DEFENDANT: But I know it wasn't the year '24.
13 I'm going off of what she said. She said either May or
14 June of 2023. I just talked to her. I just spoken to her.
15 I wish she was hear right now. I wish she was here right
16 now, but they're asking for -- they asking for a full
17 revocation, like I've already been through enough.

18 I can't believe this. They didn't even -- they asked
19 me for 20 years. They didn't ask for the probation, the
20 five years that I was on probation, and it's almost up.
21 I -- had me had 90 days. So now I know that's why they
22 kept rushing to get me in court. We didn't even have time
23 to deliberate.

24 They was ready to go to court. I see now why. They
25 was ready to violate me because of that, to hold something

Sentence

1 old up against me and so they could ask for the max. Man,
2 I -- I don't even know what to say. Man, I really don't.

3 Now they got a full revocation. They didn't --

4 THE COURT: I'm not going to do that, so you don't
5 have to worry about it.

6 THE DEFENDANT: Report, sir. Sir, you know, I've been
7 going through a lot. You ain't even seen me nothing but
8 three or four days. Man, you know.

9 THE COURT: What's the indictment number on the
10 probation case?

11 PROBATION AGENT: Your Honor, it's 2016-GS-42-3588.

12 THE COURT: 03588?

13 PROBATION AGENT: Yes, sir, Your Honor.

14 THE DEFENDANT: This is not right, Man. Y'all know
15 it, Man.

16 THE COURT: All right. As to the probation matter on
17 Indictment 2016-42-03588, I do find that the defendant has
18 wilfully failed to comply with the conditions of that
19 probationary sentence. Therefore, I find that the sentence
20 should be revoked, five years of the sentence should be
21 revoked.

22 Then while he's serving that sentence the probation
23 will be tolled, and it will resume upon his release from
24 the active incarcerated sentence.

25 Now, as to 2021-03986, indictment for failing to stop,

Sentence

1 wherein the defendant has found guilty of that offense --
2 and I viewed the video.

3 Mr. Sexton, I can tell you. The only failing to stop
4 that I've seen that appeared to be worse than that one was
5 somebody got killed, and I don't know how you or your
6 sister or somebody on the highway or somebody else didn't
7 get killed.

8 That's amazing. That was quite -- you were a heck of
9 a driver. I'll say that.

10 THE DEFENDANT: Sir, I used signals the whole way from
11 my knowledge of -- we can watch it right now.

12 THE COURT: Well, I'm not going to. I've already seen
13 it. Thank you. But I'm not talking about that.

14 All right. In any event, wherein you have been found
15 guilty of that offense by the jury, Sentence of the Court
16 is you, Hakeem Sexton, be confined to the Department of
17 Corrections for a period of three years. That sentence is
18 consecutive to that sentence imposed on the probation
19 revocation.

20 You have a right to appeal the verdict of the jury and
21 the Sentence of the Court. You have to file any notice of
22 your intent to appeal within ten days of today's date.

23 THE DEFENDANT: And that's for the probation or the --

24 THE COURT: Mr. Warder will help you with that.

25 THE DEFENDANT: How much time did I get on the

1 probation?

2 THE COURT: Five years. Mr. Warder will talk to you
3 about that 5-year deal.

4 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 23rd, 24th and 25th days of January 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

April 8, 2023

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

WITNESSES

Duncan Police Department

Jackie Mathis

ARREST WARRANT NUMBER

20200780011858

ACTION OF GRAND JURY

JUN 21 2021

True Bill

Matthew Fink

Foreperson of Grand Jury

Date:

VERDICT

*Guilty**Stephanie Reese*

Foreperson of Petit Jury

Date: 1/25/23

DOCKET NO. **21-GS-42-3986**

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 26 2021

TERM

THE STATE

vs.

Hakeem Kwame Shonte Sexton

Indictment for

FAILURE TO STOP FOR BLUE LIGHTS

SC Code: 56-5-750 (B)(1)

CDR Code: 0065

Class MIS/A

2021 JUL 26 11:00 AM
 CLERK OF COURT
 SPARTANBURG COUNTY
 SOUTH CAROLINA

SOL

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

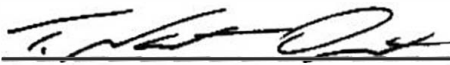
INDICTMENT

At a Court of General Sessions, convened on JUL 21 2021 the
Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP FOR BLUE LIGHTS

The defendant, Hakeem Kwame Shonte Sexton, did in Spartanburg County on or about December 17, 2020, fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750 (B)(1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Hakeem Kwame Shonte Sexton

AKA:

Race: BLACK Sex: M Age: 31DOB: 1991 SS#: Address: City, State, Zip: Spartanburg, SC 293016230DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 42 - 03986A/W#: 20200780011858Date of Offense: 12/17/2020S.C. Code § 56-05-0750(B)(1)CDR Code #: 0065

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☐ CONVICTED OF or ☐ PLEADSTO: Traffic / Failure to stop for a blue light, no injury or death - 1st offensein violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Andrew D. Sipel 104255 Hakeem Kwame Shonte Sexton Richard Harold SCB05827
 SIPPEL, ANDREW D. SC Bar # Defendant Warder, Richard Harold SC Bar#
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 3 ~~days~~ months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; ~~provided that upon the service of~~ days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: probation revocation on 2016-42-03588.☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Hakeem Kwame Shonte Sexton INDICTMENT/CASE#: 2021 - GS - 42 - 03986

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$ 1287.5

Clerk of Court/ Deputy Clerk:
Court Reporter:Camp
L. MoffittPresiding Judge:
Judge Code:
Sentence Date:2093
January 25, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Aug 18 2023

SC Court of Appeals

This 18th day of August, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 18 2023
SC Court of Appeals

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

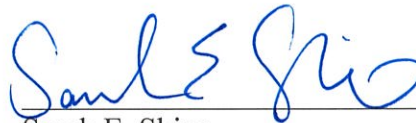
HAKEEM KWAME SHONTE SEXTON,

APPELLANT

APPELLATE CASE NO. 2023-000214

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 18th day of August, 2023.



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT